



भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

साप्ताहिक

WEEKLY

सं. 40] नई दिल्ली, सितम्बर 25—अक्टूबर 1, 2016, शनिवार/ आश्विन 3—आश्विन 9, 1938

No. 40] NEW DELHI, SEPTEMBER 25—OCTOBER 1, 2016, SATURDAY/ASVINA 3—ASVINA 9, 1938

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 15 सितम्बर, 2016

का.आ. 2011.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खण्ड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्रीमती पी. वी. भारती (जन्म तिथि 22.03.1960), महाप्रबंधक, केनरा बैंक को पदभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेश तक, जो भी पहले हो, केनरा बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[फा. सं. 4/5(1)/2016-बीओ-I]

ज्ञानोत्तोष राय, अवर सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 15th September, 2016

S.O. 2011.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub clause (1) of clause 3 and sub clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby appoints Smt. P. V. Bharathi (DOB : 22.03.1960), General Manager, Canara Bank as Executive Director in Canara Bank for a period of 3 years w.e.f. the date of her taking over charge of the post or until further order, whichever is earlier.

[F. No. 4/5(1)/2016-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 15 सितम्बर, 2016

का.आ. 2012.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खण्ड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री संजीव शरन (जन्म तिथि 05.05.1959), महाप्रबंधक, पंजाब नैशनल बैंक को पदभार ग्रहण करने की तारीख से 31.05.2019 तक अर्थात उनकी अधिवर्षिता की तारीख तक अथवा अगले आदेश तक, जो भी पहले हो, पंजाब नैशनल बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[फा. सं. 4/5(2)/2016-बीओ-I]

ज्ञानोत्तोष राय, अवर सचिव

New Delhi, the 15th September, 2016

S.O. 2012.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub clause (1) of clause 3 and sub clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby appoints Shri Sanjiv Sharan (DOB: 05.05.1959), General Manager, Punjab National Bank as Executive Director in Punjab National Bank w.e.f. the date of his taking over charge of the post up to 31.05.2019 i.e. the date of his superannuation or until further order, whichever is earlier.

[F. No. 4/5(2)/2016-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 15 सितम्बर, 2016

का.आ. 2013.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खण्ड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री चौ. एस. एस. मल्लिकर्जुन राव (जन्म तिथि 22.01.1962), महाप्रबंधक, ओरियन्टल बैंक आफ कामर्स को पदभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेश तक, जो भी पहले हो, सिंडिकेट बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[फा. सं. 4/5(3)/2016-बीओ-I]

ज्ञानोत्तोष राय, अवर सचिव

New Delhi, the 15th September, 2016

S.O. 2013.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub clause (1) of clause 3 and sub clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby appoints Shri Ch. S. S. Mallikarjuna Rao (DOB: 22.01.1962), General Manager, Oriental Bank of Commerce as Executive Director in Syndicate Bank for a period of 3 years w.e.f. the date of his taking over charge of the post or until further order, whichever is earlier.

[F. No. 4/5(3)/2016-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 15 सितम्बर, 2016

का.आ. 2014.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) और खण्ड 8 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री अतुल कुमार गोयल (जन्म तिथि 26.12.1964), महाप्रबंधक, इलाहाबाद बैंक को पदभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेश तक, जो भी पहले हो, यूनियन बैंक आफ इंडिया में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[फा. सं. 4/5(4)/2016-बीओ-I]

ज्ञानोत्तम राय, अवर सचिव

New Delhi, the 15th September, 2016

S.O. 2014.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub clause (1) of clause 3 and sub clause (1) of clause 8 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby appoints Shri Atul Kumar Goel (DOB: 26.12.1964), General Manager, Allahabad Bank as Executive Director in Union Bank of India for a period of 3 years w.e.f. the date of his taking over charge of the post or until further order, whichever is earlier.

[F. No. 4/5(4)/2016-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 16 सितम्बर, 2016

का.आ. 2015.—जीवन बीमा निगम अधिनियम, 1956 (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री वी. के. शर्मा, प्रबंध निदेशक, भारतीय जीवन बीमा निगम (एलआईसी) को अंतरिम व्यवस्था के रूप में कार्यभार ग्रहण करने की तारीख से छः महीने की अवधि के लिए अथवा नियमित पदधारी की नियुक्ति तक अथवा अगले आदेशों तक, जो भी पहले हो, एलआईसी के अध्यक्ष के पद का अतिरिक्त कार्यभार सौंपने का आदेश देती है।

[फा.सं. ए-15011/10/2012-बीमा-I (भाग-I)]

एस. के. मोहन्ती, अवर सचिव

New Delhi, the 16th September, 2016

S.O. 2015.—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby orders the assignment of additional charge of the post of Chairman, Life Insurance Corporation of India to Shri V.K. Sharma, MD, LIC in addition to his own duties, as an interim arrangement, for a period of six months w.e.f. the date of assumption of the charge or till the appointment of a regular incumbent or until further orders, whichever is the earliest.

[F.No. A-15011/10/2012-Ins.I(Part-I)]

S. K. MOHANTY, Under Secy.

(राजस्व विभाग)

(हिन्दी अनुभाग-2)

नई दिल्ली, 20 सितम्बर, 2016

का.आ. 2016.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के केन्द्रीय उत्पाद शुल्क और सीमाशुल्क बोर्ड के अधीन सीमाशुल्क आयुक्त (अंतर्देशीय कंटेनर डिपो) का कार्यालय, पटपड़.गंज एवं अन्य आईसीडी, नई दिल्ली, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. ई-11017/1/2015-एडी (हिन्दी-2)]

मीमांसक, संयुक्त निदेशक (राजभाषा)

(Department of Revenue)

(HINDI SECTION-2)

New Delhi, the 20th September, 2016

S.O. 2016.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (use for Official Purpose of the Union) Rules, 1976 the Central Government hereby notifies Office of the Commissioner Customs (Inter State Container Depot), Patparganj and other ICDs, New Delhi under CBEC, D/o Revenue, where more than 80% staff have acquired the working knowledge of Hindi.

[F. No. E-11017/1/2015-AD (Hindi-2)]

MIMANSAK, Jt. Director (O.L.)

विदेश मंत्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 14 सितम्बर, 2016

का.आ. 2017.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वाय, केंद्र सरकार भारत के उच्चायोग, लिलोंग्वे में श्री नीरज तोमर, सहायक अनुभाग अधिकारी को दिनांक 14 सितम्बर, 2016 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[सं. टी-4330/01/2016]

प्रकाश चन्द, उप सचिव (कोंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(CPV DIVISION)

New Delhi, the 14th September, 2016

S.O. 2017.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Neeraj Tomar, Assistant Section Officer as Assistant Consular Officer in High Commission of India, Lilongwe to perform the Consular services with effect from 14 September, 2016.

[No. T-4330/01/2016]

PRAKASH CHAND, Dy. Secy. (Consular)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 23 सितम्बर, 2016

का.आ. 2018.—केंद्र सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केरल राज्य सरकार, गृह विभाग, तिरुवंतपुरम की दिनांक 08.04.2016 की अधिसूचना जीओ (एमएस) संख्या 124/2016/होम द्वारा दी गई सहमति से एतद्वारा अपराध सं. 231/2015 रेलवे पुलिस थाना, कोटटायम में पंजीकृत तथा अपराध सं. 492/2015 रेलवे पुलिस थाना, एर्नाकुलम में पंजीकृत के मामलों; विहार, झारखंड, हरियाणा, राजस्थान, पश्चिम बंगाल, दिल्ली जैसे राज्यों से बच्चों का अवैध व्यापार कर केरल के अनाथालय में ले जाने और उससे संबंधित मामलों से जुड़े अपराधों के संबंध में दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों एवं क्षेत्राधिकार का विस्तार संपूर्ण केरल राज्य पर करती है।

[फा. सं. 228/23/2016-एवीडी-II]

एल. पी. शर्मा, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**(Department of Personnel and Training)**

New Delhi, the 23rd September, 2016

S.O. 2018.—In exercise of the powers conferred by sub-section (i) of Section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No.25 of 1946), the Central Government with the consent of the State Government of Kerala, Home Department, Thiruvananthanapuram conveyed vide Notification G.O.(Ms) No.124/2016 Home dated 08.04.2016, hereby extends the powers and jurisdiction of the members of the Delhi Special Police establishment to the whole of the State of Kerala for investigation of the offences of Crime No.231/2015 registered at Railway Police Station, Kottayam and Crime No.492/2015 of Railway Police Station, Ernakulum registered in connection with trafficking of children from states like Bihar, Jharkhand, Haryana, Rajasthan, West Bengal, Delhi etc. to orphanages in Kerala and matters related there to.

[F.No. 228/23/2016-AVD-II]

L. P. SHARMA, Under Secy.

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

नई दिल्ली, 7 सितम्बर, 2016

का.आ. 2019.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित, 1987) के नियम 10 के उप-नियम (4) के अनुसरण में, विधि और न्याय मंत्रालय, विधि कार्य विभाग के प्रशासनिक नियंत्रण के अधीन निम्नलिखित कार्यालय को 80% से अधिक कर्मचारीवृद्धि ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :

1. आयकर अपीलीय अधिकरण, आगरा न्यायपीठ, आगरा

[फा. सं. ई-11011(3)/2015-रा.भा. (वि.का.)]

रामायण यादव, अपर सचिव

MINISTRY OF LAW AND JUSTICE**(Department of Legal Affairs)**

New Delhi, the 7th September, 2016

S.O. 2019.—In pursuance of Sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976 (as amended in 1987), the Central Government hereby notifies the following office under the administrative control of the Department of Legal Affairs, Ministry of Law and Justice, where more than 80% staff have acquired the working knowledge of Hindi :

1. Income Tax Appellate Tribunal, Agra Bench, Agra.

[F. No. E-11011(3)/2015-O.L. (L.A.)]

RAMAYAN YADAV, Addl. Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 20 सितम्बर, 2016

का.आ. 2020.—राष्ट्रपति, न्यायमूर्ति वी.एस. रवि को दिनांक 12.08.2016 (पूर्वाहन) से 19.05.2019 तक की अवधि अथवा अगले आदेशों तक, इनमें जो भी पहले हो, केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, बंगलौर के पीठासीन अधिकारी के रूप में नियुक्त करते हैं।

[सं. ए-19011/02/2016-सीएलएस-II]

एस. के. सिंह, अपर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 20th September, 2016

S.O. 2020.—The President is pleased to appoint Justice V.S. Ravi as Presiding Officer of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore with effect from 12.08.2016 (Forenoon) for a period up to 19.05.2019 or until further orders, whichever is earlier.

[No. A-19011/02/2016-CLS-II]

S. K. SINGH, Under Secy.

नई दिल्ली, 22 सितम्बर, 2016

का.आ. 2021.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारतीय जीवन बीमा निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 64/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-17012/49/2013-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 22nd September, 2016

S.O. 2021.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 64/2014) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. LIC of India and their workman, which was received by the Central Government on 19.09.2016.

[No. L-17012/49/2013-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated the 22nd day of August, 2016

INDUSTRIAL DISPUTE I.D. 64/2014

Between :

Sri Y. Rambabu

S/o Mutyalu,

D.No.12-6-70, Chinnavedhi,

Samalkot,

Rajahmundry – 533440

...Petitioner

AND

1. The Branch Manager,
LIC of India, Peddapuram Branch,
Peddapuram,
E.G. District.

2. The Sr. Divisional Manager,
LIC of India, Divisional Office,
Jeevan Godavari, Morampudi,
Rajahmundry

...Respondents

Appearances :

For the Petitioner : Party in person

For the Respondent : Sri K. Ramalingeswara Sarma, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L- 17012/49/2013-IR(M) dated 8.5.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India, Peddapuram and their workman. The reference is,

SCHEDULE

“Whether the removal from service of Sri Y. Rambabu, Ex-Temp. Class.IV LIC of India, Peddapuram Branch w.e.f. 28.1.2013 is legal and justified? If not, what other relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 64/2014 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement and documents by the Petitioner.

3. Inspite of service of notices to the address given in the reference order, the Petitioner did not turn up. Several opportunities have been given to the Petitioner to attend the court to prosecute his case. But the Petitioner failed to attend this Tribunal which clearly indicates that the dispute of the Petitioner has already been settled and the Petitioner has nothing to claim. Hence, a ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this 22nd day of August, 2016.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 सितम्बर, 2016

का.आ. 2022.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारतीय जीवन बीमा निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 66/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-17012/51/2013-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 22nd September, 2016

S.O. 2022.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 66/2014) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. LIC of India and their workman, which was received by the Central Government on 19.09.2016.

[No. L-17012/51/2013-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD**

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated the 22nd day of August, 2016

INDUSTRIAL DISPUTE ID. 66/2014

Between :

Sri K. Srinivasa Babu
S/o Chandra Rao,
D.No.5-115, Ambedkar Nagar,
Near Water Tank, Mallam,
Pithapuram (M), E.G. Dist.Petitioner

AND

1. The Branch Manager,
LIC of India, Kakinada Main Branch,
E.G. District.
2. The Sr. Divisional Manager,
LIC of India, Divisional Office,
Jeevan Godavari, Morampudi,
RajahmundryRespondents

Appearances :

For the Petitioner : Party in person
For the Respondent : Sri K. Ramalingeswara Sarma, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L- 17012/51/2013-IR(M) dated 8.5.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India, Kakinada Main branch and their workman. The reference is,

SCHEDULE

"Whether the removal from service of Sri K. Srinivasa Babu, Ex-Temp. Class.IV LIC of India, Kakinada Branch w.e.f. 28.1.2013 is legal and justified? If not, what other relief the workman is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 66/2014 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement and documents by the Petitioner.
3. Inspite of service of notices to the address given in the reference order, the Petitioner did not turn up. Several opportunities have been given to the Petitioner to attend the court to prosecute his case. But the Petitioner failed to attend this Tribunal which clearly indicates that the dispute of the Petitioner has already been settled and the Petitioner has nothing to claim. Hence, a 'No dispute' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this 22nd day of August, 2016.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 सितम्बर, 2016

का.आ. 2023.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारतीय जीवन बीमा निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 67/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-17012/52/2013-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 22nd September, 2016

S.O. 2023.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 67/2014) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. LIC of India and their workman, which was received by the Central Government on 19.09.2016.

[No. L-17012/52/2013-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated the 22nd day of August, 2016

INDUSTRIAL DISPUTE No. 67/2014

Between :

Sri K. Suresh Kumar,
S/o K. Sampath Rao,
Siddartha Nagar,
Amalapuram (M),
E.G. Dist.

...Petitioner

AND

1. The Branch Manager,
LIC of India, Amalapuram Branch,
Amalapuram, E.G. District.
2. The Sr. Divisional Manager,
LIC of India, Divisional Office,
Jeevan Godavari, Morampudi,
Rajahmundry

...Respondents

Apearances :

For the Petitioner : Party in person

For the Respondent : Sri K. Ramalingeswara Sarma, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L- 17012/52/2013-IR(M) dated 7.5.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India, Amalapuram and their workman. The reference is,

SCHEDULE

“Whether the removal from service of Sri K. Suresh Kumar, Ex-Temp. Class.IV LIC of India, Amalapuram Branch w.e.f. 28.1.2013 is legal and justified? If not, what other relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 67/2014 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement and documents by the Petitioner.
3. Inspite of service of notices to the address given in the reference order, the Petitioner did not turn up. Several opportunities have been given to the Petitioner to attend the court to prosecute his case. But the Petitioner failed to attend this Tribunal which clearly indicates that the dispute of the Petitioner has already been settled and the Petitioner has nothing to claim. Hence, a 'No dispute' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this 22nd day of August, 2016.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 सितम्बर, 2016

का.आ. 2024.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारतीय जीवन बीमा निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 69/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-17012/58/2013-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 22nd September, 2016

S.O. 2024.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 69/2014) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. LIC of India and their workman, which was received by the Central Government on 19.09.2016.

[No. L-17012/58/2013-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated the 22nd day of August, 2016

INDUSTRIAL DISPUTE NO. 69/2014

Between :

Sri Shaik Nagul Navab,
S/o Jamal,
Flat No.610, D.No.3/83,
Naveen Mittal Colony, Chinakarrimida Road,
Chilakalapudi, Machilipatnam

...Petitioner

AND

The Sr. Divisional Manager,
LIC of India, Divisional Office,
Kennedy Road,
Machilipatnam

...Respondent

Appearances :

For the Petitioner : Party in person

For the Respondent : M/s. K. Ramalingeswara Sarma & B.S.R. Murthy, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L- 17012/58/2013-IR(M) dated 9.5.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India, Machilipatnam and their workman. The reference is,

SCHEDULE

“Whether the removal from service of Sri Shaik Nagul Navab, Ex-Temp. Class.IV LIC of India, Machilipatnam Divisional Office, w.e.f. 21.1.2013 is legal and justified? If not, what other relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 69/2014 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement and documents by the Petitioner.
3. Inspite of service of notices to the address given in the reference order, the Petitioner did not turn up. Several opportunities have been given to the Petitioner to attend the court to prosecute his case. But the Petitioner failed to attend this Tribunal which clearly indicates that the dispute of the Petitioner has already been settled and the Petitioner has nothing to claim. Hence, a ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this 22nd day of August, 2016.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 सितम्बर, 2016

का.आ. 2025.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारतीय जीवन बीमा निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 71/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-17012/63/2013-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 22nd September, 2016

S.O. 2025.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 71/2014) of the Central Government Industrial Tribunal/Labour

Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. LIC of India and their workman, which was received by the Central Government on 19.09.2016.

[No. L-17012/63/2013-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated the 22nd day of August, 2016

INDUSTRIAL DISPUTE No. 71/2014

Between :

Sri S. Chandra Sekhar
S/o Venkateswara Rao,
High School Road,
Gokavaram,
E.G. Dist.-533286 ...Petitioner

AND

1. The Branch Manager,
LIC of India, Gokavaram Branch,
Gokavaram, E.G. District-533286
2. The Sr. Divisional Manager,
LIC of India, Divisional Office,
Jeevan Godavari, Morampudi,
Rajahmundry ...Respondent

Appearances :

For the Petitioner : Party in person

For the Respondent : Sri K. Ramalingeswara Sarma & B.S.R. Murthy, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L- 17012/63/ 2013-IR(M) dated 8.5.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India, Gokavaram and their workman. The reference is,

SCHEDULE

“Whether the removal from service of Sri S. Chandra Sekhar, Ex-Temp. Class.IV LIC of India, Gokavaram Branch w.e.f. 28.1.2013 is legal and justified? If not, what other relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 71/2014 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement and documents by the Petitioner.
3. Inspite of service of notices to the address given in the reference order, the Petitioner did not turn up. Several opportunities have been given to the Petitioner to attend the court to prosecute his case. But the Petitioner failed to attend this Tribunal which clearly indicates that the dispute of the Petitioner has already been settled and the Petitioner has nothing to claim. Hence, a ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this 22nd day of August, 2016.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 सितम्बर, 2016

का.आ. 2026.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारतीय जीवन बीमा निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 74/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-17012/7/2014-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 22nd September, 2016

S.O. 2026.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 74/2014) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. LIC of India and their workman, which was received by the Central Government on 19.09.2016.

[No. L-17012/7/2014-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding OfficerDated the 22nd day of August, 2016**INDUSTRIAL DISPUTE No. 74/2014****Between :**

Sri P. Appa Rao
S/o Appanna Sastry,
D.No.1-1-196/1, Eethakota,
Ravulapalem (M),
E.G. Dist.-533286

...Petitioner

AND

1. The Branch Manager,
LIC of India, Rajahmundry Rural Branch,
E.G. District
2. The Sr. Divisional Manager,
LIC of India, Divisional Office,
Jeevan Godavari, Morampudi,
Rajahmundry

...Respondents

Appearances :

For the Petitioner : Party in person

For the Respondent : Sri K. Ramalingeswara Sarma, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L- 17012/7/ 2014-IR(M) dated 8.5.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India, and their workman. The reference is,

SCHEDULE

“Whether the removal from service of Sri P. Appa Rao, Ex-Temp. Class.IV LIC of India, Rajahmundry Rural Branch w.e.f. 28.1.2013 is legal and justified? If not, what other relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 74/2014 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement and documents by the Petitioner.
3. Inspite of service of notices to the address given in the reference order, the Petitioner did not turn up. Several opportunities have been given to the Petitioner to attend the court to prosecute his case. But the Petitioner failed to attend this Tribunal which clearly indicates that the dispute of the Petitioner has already been settled and the Petitioner has nothing to claim. Hence, a ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this 22nd day of August, 2016.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 सितम्बर, 2016

का.आ. 2027.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारतीय जीवन बीमा निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 75/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-17012/8/2014-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 22nd September, 2016

S.O. 2027.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 75/2014) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. LIC of India and their workman, which was received by the Central Government on 19.09.2016.

[No. L-17012/8/2014-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated the 22nd day of August, 2016

INDUSTRIAL DISPUTE No. 75/2014**Between :**

Sri B. Dileep Kumar
 S/o Sudharshana Rao,
 D.No. 2-7-8/A, 2nd Ward Christanpet,
 Kovvuru, W.G. Dist.-534350

...Petitioner

AND

1. The Sr. Divisional Manager,
 LIC of India, Divisional Office,
 Jeevan Godavari, Morampudi,
 Rajahmundry
2. The Branch Manager,
 LIC of India, Kovvuru Branch,
 Kovvuru, W.B. District-534350

...Respondents

Appearances :

For the Petitioner : Party in person

For the Respondent : Sri K. Ramalingeswara Sarma, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L- 17012/8/ 2014-IR(M) dated 8.5.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India, and their workman. The reference is,

SCHEDULE

“Whether the removal from service of Sri B. Dileep Kumar, Ex-Temp. Class.IV LIC of India, Kovvuru Branch w.e.f. 28.1.2013 is legal and justified? If not, what other relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 75/2014 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement and documents by the Petitioner.
3. Inspite of service of notices to the address given in the reference order, the Petitioner did not turn up. Several opportunities have been given to the Petitioner to attend the court to prosecute his case. But the Petitioner failed to attend this Tribunal which clearly indicates that the dispute of the Petitioner has already been settled and the Petitioner has nothing to claim. Hence, a ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this 22nd day of August, 2016.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 सितम्बर, 2016

का.आ. 2028.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारतीय जीवन बीमा निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय

सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 76/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-17012/9/2014-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 22nd September, 2016

S.O. 2028.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 76/2014) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. LIC of India and their workman, which was received by the Central Government on 19.09.2016.

[No. L-17012/9/2014-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated the 22nd day of August, 2016

INDUSTRIAL DISPUTE No. 76/2014

Between :

Sri N. Madhu Babu

S/o N. Lazar,

D.No.3-103, Arundhathipeta,

Rajahmundry (Rural)

Rajahmundry

...Petitioner

AND

The Sr. Divisional Manager,

LIC of India, Divisional Office,

Jeevan Godavari, Morampudi,

Rajahmundry

...Respondents

Appearances :

For the Petitioner : Party in person

For the Respondent : Sri K. Ramalingeswara Sarma, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-17012/9/2014-IR(M) dated 7.5.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India, and their workman. The reference is,

SCHEDULE

“Whether the removal from service of Sri N. Madhu Babu, Ex-Temp. Class.IV LIC of India, Rajahmundry D.O. w.e.f. 28.1.2013 is legal and justified? If not, what other relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 76/2014 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement and documents by the Petitioner.
3. Inspite of service of notices to the address given in the reference order, the Petitioner did not turn up. Several opportunities have been given to the Petitioner to attend the court to prosecute his case. But the Petitioner failed to attend this Tribunal which clearly indicates that the dispute of the Petitioner has already been settled and the Petitioner has nothing to claim. Hence, a ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this 22nd day of August, 2016.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 सितम्बर, 2016

का.आ. 2029.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारतीय जीवन बीमा निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 77/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-17012/10/2014-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 22nd September, 2016

S.O. 2029.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 77/2014) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. LIC of India and their workman, which was received by the Central Government on 19.09.2016.

[No. L-17012/10/2014-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Sri Muralidhar Pradhan, Presiding Officer

Dated the 22nd day of August, 2016

INDUSTRIAL DISPUTE No. 77/2014

Between :

Sri D. Chandra Sekhar
S/o D. Bhaskara Rao,
D.No.1-309/1, Muralikonda,
Bommuru, Rajahmundry(Rural),
Rajahmundry

...Petitioner

AND

The Sr. Divisional Manager,
LIC of India, Divisional Office,
Jeevan Godavari, Morampudi,
Rajahmundry

...Respondents

Appearances :

For the Petitioner : Party in person

For the Respondent : Sri K. Ramalingeswara Sarma, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-17012/10/ 2014-IR(M) dated 7.5.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India, and their workman. The reference is,

SCHEDULE

“Whether the removal from service of Sri D. Chandra Sekhar, Ex-Temp. Class.IV LIC of India, Rajahmundry D.O. w.e.f. 28.1.2013 is legal and justified? If not, what other relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 77/2014 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement and documents by the Petitioner.
3. Inspite of service of notices to the address given in the reference order, the Petitioner did not turn up. Several opportunities have been given to the Petitioner to attend the court to prosecute his case. But the Petitioner failed to attend this Tribunal which clearly indicates that the dispute of the Petitioner has already been settled and the Petitioner has nothing to claim. Hence, a ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this 22nd day of August, 2016.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 23 सितम्बर, 2016

का.आ. 2030.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 326/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-30012/28/2000-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 23rd September, 2016

S.O. 2030.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 326/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 19.09.2016.

[No. L-30012/28/2000-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,
 Presiding Officer, CGIT-cum-Labour Court,
 Ahmedabad,
 Dated 11th August, 2016

Reference: (CGITA) No. 326/2004

1. The Group General Manager (P),
 ONGC Ltd., Ahmedabad Project, Chandkheda,
 Ahmedabad (Gujarat)
2. M/s Industrial Security Services,
 Parichay Shopping Centre, Near 'D' Cabin,
 IOC Road, Post New Rly. Colony,
 Ahmedabad (Gujarat) – 380001
3. M/s Parishram Labour Co. Op. Society Ltd.,
 Shahibaugh, Ahmedabad (Gujarat) ...First Party

V/s

The General Secretary,
 Gujarat Petroleum Employees Union,
 434/36, Gandhivas, Koba Road, Sabarmati,
 Ahmedabad ...Second Party

For the First Party : Shri K.V. Gadhia
 For the Second Party : Shri Santoshben

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/28/2000-IR (M) dated 18.08.2000 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the demand of Gujarat Petroleum Employees Union, Ahmedabad to declare that the arrangement through which Shri Jagdish Somabhai Chauhan employed as Electrician in ONGC Ahmedabad Project is sham and bogus and the concerned workman who has been terminated from service w.e.f. 16.02.1999 is entitled for reinstatement and absorption is legal and justified? If yes than to what relief the concerned workman is entitled to and from which date?"

1. The reference dates back to 18.08.2000. The second party submitted the statement of claim Ext. 5 on 10.07.2001 and first party submitted the written statement Ext. 8 on 22.11.2003. Since then the second party has been absent and has also refrained to lead his evidence. Today on 11.08.2016, the second party advocate reported to the tribunal that the second party workman has not been in contact despite informing him by registered post. Therefore the reference may be disposed of finally for non-appearance of the second party. The advocate for the first party has been present on each and every date. Thus this tribunal has no option but to dismiss the reference in non-prosecution of the case by the second party.

2. The reference is dismissed in non-prosecution of the case by the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 23 सितम्बर, 2016

का.आ. 2031.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 359/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-30011/62/2000-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 23rd September, 2016

S.O. 2031.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 359/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 19.09.2016.

[No. L-30011/62/2000-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 8th August, 2016

Reference: (CGITA) No. 359/2004

1. The Group General Manager (P),
ONGC Ltd., Ahmedabad Project, Chandkheda,
Ahmedabad (Gujarat) – 380001
2. M/s Industrial Security Services,
Parichay Shopping Centre, Near ‘D’ Colony,
IOC Rd., Post New Rly. Colony,
Ahmedabad (Gujarat) – 380001 ...First Party

V/s

The General Secretary,
Gujarat Petroleum Employees Union,
434/36, Gandhivas Koba Road, Sabarmati,
Ahmedabad (Gujarat) ...Second Party

For the First Party : Shri C.S. Naidu
For the Second Party : Kum. Santoshben

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/62/2000-IR (M) dated 08.01.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of Gujarat Petroleum Employees Union, Ahmedabad to declare that the arrangement through which Shri Patel Vasudev R. employed as Rigger in ONGC, Ahmedabad Project is sham and bogus and the concerned workman who has been terminated from service w.e.f. 08.08.1999 is entitled for reinstatement and absorption is legal and justified? If yes, than to what relief the concerned workman is entitled to and from which date?”

1. The reference dates back to 08.01.2001. The second party submitted the statement of claim Ext. 7 on 08.08.2001 and the first party submitted the written statement Ext. 16 on 18.09.2002. Since then the second party did not prefer to lead evidence even after giving dozen of opportunities. A last opportunity was given to second party workman to lead his evidence on 14.12.2015 but to no result even after giving opportunities on 12.04.2016 and today 08.08.2016. The second party advocate Kum. Santoshben Shah reported that workman is not available. Thus, in the aforesaid circumstances, it appears that the second party is not willing to prosecute the case. Thus the tribunal has no option but to dismiss the case in non-prosecution of the case by the second party.

2. Thus the reference is dismissed in non-prosecution of the case by the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 23 सितम्बर, 2016

का.आ. 2032.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 368/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-30012/146/2000-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 23rd September, 2016

S.O. 2032.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 368/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 19.09.2016.

[No. L-30012/146/2000-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 8th August, 2016

Reference: (CGITA) No. 368/2004

1. The Group General Manager (P),
ONGC Ltd., Ahmedabad Project, Chandkheda,
Ahmedabad (Gujarat) – 380001
2. M/s Chandodiya Mazdoor Kamdar Mandli Ltd.,
179, Ambica Krupa Society, Ranip,
Ahmedabad (Gujarat) - 380001 ...First Party

V/s

The General Secretary,
Gujarat Petroleum Employees Union,
434/36, Gandhivas Koba Road, Sabarmati,
Ahmedabad (Gujarat) ...Second Party

For the First Party : Shri C.S. Naidu
For the Second Party : Kum. Santoshben

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/146/2000-IR (M) dated 02.02.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

1. “Whether the action of the management of ONGC Ltd., through its contractor M/s Chandlodha Mazdoor Kamdar Mandli Ltd. in terminating the services of Shri Mikim Arvindbhai Desai, Electrician w.e.f. 31.08.1999 is justified? If not, to what relief the concerned workman is entitled to?”
2. “Whether the demand of Gujarat Petroleum Employees Union in considering the employee as the employee of ONGC Ltd., w.e.f. the date of entering into the services is justified? If so, to what relief the concerned workman is entitled to?”
3. The reference dates back to 02.02.2001. The second party submitted the statement of claim Ext. 5 on 23.08.2001 and the first party submitted the written statement Ext. 7 on 19.01.2005. Since then the second party did not prefer to lead evidence even after giving dozen of opportunities. A last opportunity was given to second party workman to lead his evidence on 14.12.2015 but to no result even after giving opportunities on 12.04.2016 and today 08.08.2016. The second party advocate Kum. Santoshben Shah reported that workman is not available. Thus, in the aforesaid circumstances, it appears that the second party is not willing to prosecute the case. Thus the tribunal has no option but to dismiss the case in non-prosecution of the case by the second party.
4. Thus the reference is dismissed in non-prosecution of the case by the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 23 सितम्बर, 2016

का.आ. 2033.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 370/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-30012/48/2000-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 23rd September, 2016

S.O. 2033.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 370/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 19.09.2016.

[No. L-30012/48/2000-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 8th August, 2016

Reference: (CGITA) No. 370/2004

1. The Group General Manager (P),
ONGC Ltd., AvaniBhavan, 5th Floor, Chandkheda,
Ahmedabad (Gujarat)

2. Rajdeep Group Mazdoor Kamdar Sahakari Mandli,7
7, Nandasan Society, Nr. Ajay Tenements, Part IV,
Bhage Firdoz, Post Amraiwadi, Ahmedabad.First Party

V/s

The General Secretary,
Gujarat Petroleum Employees Union,
434/36, Gandhivas Koba Road, Sabarmati,
Ahmedabad (Gujarat)Second Party

For the First Party : Shri C.S. Naidu
For the Second Party : Kum. Santoshben

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/48/2000-IR (M) dated 24.01.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of Gujarat Petroleum Employees Union, Ahmedabad to declare that the arrangement through which Shri Abdul Hafiz employed as Driver (Winch Operator) in ONGC, Ahmedabad Project is sham and bogus and the concerned workman who has been terminated from service w.e.f. 02.02.1999 is entitled for reinstatement and absorption is legal and justified? If yes, than to what relief the concerned workman is entitled to and from which date?”

1. The reference dates back to 24.01.2001. The second party submitted the statement of claim Ext. 8 on 26.08.2003 and the first party submitted the written statement Ext. 13 on 25.11.2004. Since then the second party did not prefer to lead evidence even after giving dozen of opportunities. A last opportunity was given to second party workman to lead his evidence on 14.12.2015 but to no result even after giving opportunities on 12.04.2016 and today 08.08.2016. The second party advocate Kum. Santoshben Shah reported that workman is not available. Thus, in the aforesaid circumstances, it appears that the second party is not willing to prosecute the case. Thus the tribunal has no option but to dismiss the case in non-prosecution of the case by the second party.
2. Thus the reference is dismissed in non-prosecution of the case by the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 23 सितम्बर, 2016

का.आ. 2034.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 432/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-30012/15/88-डी-III (बी)]

समीर कुमार दास, अवर सचिव

New Delhi, the 23rd September, 2016

S.O. 2034.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 432/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and their workman, which was received by the Central Government on 19.09.2016.

[No. L-30012/15/88-D-III (B)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 4th August, 2016

Reference: (CGITA) No. 432/2004

The Deputy General Manager,
ONGC Project, Sabarmati,
Ahmedabad (Gujarat)

...First Party

V/s

Shri Zinabhai K. Rathod,
558, Ambalal Bhavshar Chawl,
Old Accher,
Sabarmati,
Ahmedabad (Gujarat) – 380005

...Second Party

For the First Party : Shri C.S. Naidu
For the Second Party : Shri N.K. Trivedi

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/15/88-D.III (B) dated 05.11.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEUDLE

“Whether the action of the management of ONGC, Sabarmati Project, Ahmedabad in terminating the service of Shri Zinabhai K. Rathod from service justified? If not to what relief the workman is entitled?”

1. The reference dates back to 05.11.2001. Second party submitted the statement of claim Ext. 5 along with the vakalatpatra of his advocate Shri N.K. Trivedi. First party submitted the written statement Ext. 10 on 18.02.2003 along with the vakalatpatra of his advocate Shri C.S. Naidu. Since then the second party has not been leading evidence despite giving dozen of opportunities. Now on 04.08.2016, Advocate Shri N.K. Trivedi on behalf of the second party inform the tribunal that he informed the second party by way of sending letter on 19.12.2015, same was received by the second party but he has refrained to contact him. Thus it appears that the second party has no inclination to prosecute the case. Therefore the tribunal has no option but to dismiss the case in default of the second party.

2. Thus the reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 23 सितम्बर, 2016

का.आ. 2035.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स काण्डला पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 941/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-37011/3/1992-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 23rd September, 2016

S.O. 2035.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 941/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Kandla Port Trust and their workman, which was received by the Central Government on 19.09.2016.

[No. L-37011/3/1992-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 2nd August, 2016

Reference: (CGITA) No. 941/2004

The Secretary,
Kandla Port Trust, A.O. Building,
Gandhidham, Kutch – 370201 ...First Party

V/s

The General Secretary,
Transport & Dock Workers Union,
26, Mevawala Bazaar, Kandla Port,
Kutch – 370201 ...Second Party

For the First Party : Shri K.V. Gadlia
For the Second Party : Shri N.H. Rathod

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/3/92-IR (Misc.) dated 02.03.1993 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the Transport & Dock Workers’ Union, Kandla, for not reviewing the cases of Junior Assistants promoted in June 1986 for the purpose of re-fixation of pay and recovery is justified? If yes, to what relief the workmen are entitled?”

1. The reference dates back to 02.03.1993. Both the parties namely first party Kandla Port Trust, Gandhidham and second party The General Secretary, Transport & Dock Workers’ Union, Kandla have moved a joint application Ext. 14 stating that the workman has retired and his all admissible terminal dues has been released and same are accepted by the workman. The workman second party does not also want to pursue the matter. Therefore, the reference in the light of the aforesaid mutually agreed terms and conditions is decided/disposed of finally.

2. Thus the reference is dismissed as withdrawn by both the parties.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 23 सितम्बर, 2016

का.आ. 2036.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स काण्डला पोर्ट ट्रस्ट के प्रबंधनतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 965/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-37012/3/1993-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 23rd September, 2016

S.O. 2036.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 965/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Kandla Port Trust and their workman, which was received by the Central Government on 19.09.2016.

[No. L-37012/3/1993-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 2nd August, 2016

Reference: (CGITA) No. 965/2004

The Secretary,

Kandla Port Trust, A.O. Building,
Gandhidham, Kutch – 370201

...First Party

V/s

The General Secretary,
Transport & Dock Workers Union,
26, Mevawala Bazaar, Kandla Port,
Kutch – 370201

...Second Party

For the First Party : Shri K.V. Gadlia

For the Second Party : Shri N.H. Rathod

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37012/3/93-IR (Misc.) dated 02.05.1994 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the Transport & Dock Workers’ Union, Kandla, against the management of Kandla Port Trust, Kandla that the previous service of about 6 years rendered by Shri Narshi A. Maheshwari, in the category of Fireman should be counted for all purposes and break in service be treated as Dies, justified and legal? If so to what benefits the workman is entitled for and what directions are necessary in the matter?”

1. The reference dates back to 02.05.1994. Both the parties namely first party Kandla Port Trust, Gandhidham and second party The General Secretary, Transport & Dock Workers’ Union, Kandla have moved a joint application Ext. 20 stating that the workman has retired and his all admissible terminal dues has been released and same are accepted by the workman. Workman has also been receiving the pension regularly after attaining the age of superannuation. Both the parties including workman have stated that they did not want to pursue the matter.

2. Thus the reference is dismissed as withdrawn by both the parties.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 23 सितम्बर, 2016

का.आ. 2037.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स काण्डला पोर्ट ट्रस्ट के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 1003/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-37011/33/1995-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 23rd September, 2016

S.O. 2037.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1003/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Kandla Port Trust and their workman, which was received by the Central Government on 19.09.2016.

[No. L-37011/33/1995-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 2nd August, 2016

Reference: (CGITA) No. 1003/2004

1. The Secretary,
Kandla Port Trust, A.O. Building,
Gandhidham, Kutch – 370201.
2. The Deputy Conservator,
Kandla Port Trust, A.O. Building,
Gandhidham, Kutch – 370201 ...First Party

V/s

The General Secretary,
Transport & Dock Workers Union,
26, Yogesh Building, Plot No. 589, Ward – 12-C,
Gandhidham, Kutch – 370201 ...Second Party

For the First Party : Shri K.V. Gadlia
For the Second Party : Shri N.H. Rathod

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/33/95-IR (Misc.) dated 27.03.1996 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

- (1) “Whether the action of the Kandla Port Trust Management through the Deputy Conservator, Marine Department to change the nature of leave applied for by Shri B.A. Maheswari, Leading Hand, Fire Brigade section, Marine Department for the period from 03.06.1994 to 07.06.1994 as E.O.L. and deducting the

salary for the said period just, valid and legal? If not to what benefits the workman is entitled for and what directions are necessary in the matter?"

- (2) "Whether the action of the management of Kandla Port Trust in imposing the punishment of withholding one increment without cumulative effect vide order dated 19.08.1995 on Shri B.A. Maheshwari justified? If not to what relief the workman is entitled?"

1. The reference dates back to 27.03.1996. Both the parties namely first party Kandla Port Trust, Gandhidham and second party The General Secretary, Transport & Dock Workers' Union, Kandla have moved a joint application Ext. 11 stating that the workman has retired and his all admissible terminal dues has been released and same are accepted by the workman. The workman has retired in the year 2007 after attaining the age of superannuation and has also receiving the pension. The workman second party does not also want to pursue the matter. Therefore, the reference in the light of the aforesaid mutually agreed terms and conditions is decided/disposed of finally.

2. Thus the reference is dismissed as withdrawn by both the parties.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 23 सितम्बर, 2016

का.आ. 2038.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स आ० एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 1326/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-30012/35/2000-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 23rd September, 2016

S.O. 2038.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1326/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 19.09.2016.

[No. L-30012/35/2000-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 8th August, 2016

Reference: (CGITA) No. 1326/2004

- 1. The Group General Manager (P),
ONGC Ltd., Hazira Project, P.O. Bhatpore,
Surat (Gujarat) – 394518
- 2. The Manager (PSD),
The A.E. Co. Ltd.,
Chinubhai Tower, Ashram Road,
Ahmedabad (Gujarat) – 380009 ...First Party

V/s

Shri B.C. Shah and Others
303, Nandanvan Complex, B/h Bhulka Bhavan, Adajan,
Surat (Gujarat) – 395009 ...Second Party

For the First Party	:	None
For the Second Party	:	None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/35/2000-IR (M) dated 31.07.2002 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the workman i.e. Shri B.C. Shah and others for payment of bonus at the rate equal to one month full wages for the year 1998-99 is legal, proper and justified? If so, to what relief, these workmen are entitled to and what other directions are necessary in the matter?”

1. The reference dates back to 31.07.2000. Second party submitted the statement of claim Ext. 5 on 07.11.2002. Thereafter first party No. 2 submitted the written statement Ext. 10 but first party no. 1 did not prefer to submit the written statement. Therefore the case was fixed for evidence of the second party but since 14.08.2002, second party has been absent and has also refrained to lead evidence. On 14.12.2015 none appeared for both the parties therefore a last opportunity was given to second party to lead evidence in the absence of the first party but even after giving two opportunities thereafter on 12.04.2016 and today on 08.08.2016, the second party did not lead the evidence. Thus in the aforesaid circumstances, it appears that the second party is not willing to prosecute the case. Thus the tribunal has no option but to dismiss the case in non-prosecution of the case by the second party.

2. Thus the reference is dismissed in non-prosecution of the case by the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 23 सितम्बर, 2016

का.आ. 2039.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 1336/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-30012/133/2000-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 23rd September, 2016

S.O. 2039.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1336/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 19.09.2016.

[No. L-30012/133/2000-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 8th August, 2016

Reference: (CGITA) No. 1336/2004

1. The Group General Manager (P),
ONGC Ltd., Hazira Project, P.O. Bhatpore,
Surat (Gujarat) – 394518

2. The Ahmedabad Electricity Co. Ltd.,
Electricity House, Lal Darwaja,
Ahmedabad (Gujarat) ...First Party

V/s

- Shri Kishorebhai Govindbhai Patel,
At. Bhatpore, Taluka Choriyasi,
Distt. Surat (Gujart) - 394518 ...Second Party

- For the First Party : None
For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/133/2000-IR (M) dated 03.10.2000 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the contract between the management of ONGC Ltd., Hazira Project, Surat and the Contractor The Ahmedabad Electricity Company, Ahmedabad in respect of the contractual workman Shri Kishorebhai Govindbhaij Patel is sham & bogus contract?

“Whether the demand of the workman Shri Kishorebhai Govindbhaij Patel for treating/declaring him as direct and regular/permanent employee of ONGC Ltd., Hazira Project from either the date of his initial engagement with the contractor or from the date of notification issued by Government of India, prohibiting his alleged employment/work through the contract system is legal and justified? If so, to what relief Shri Kishorebhai Govindbhaij Patel is entitled and from which date and what other directions are necessary in the matter?”

1. The reference dates back to 03.10.2000. Second party submitted the statement of claim Ext. 5 on 14.02.2001. Thereafter first party No. 2 submitted the written statement Ext. 19and first party no. 1 submitted the written statement Ext. 14. Therefore the case was fixed for evidence of the second party but since then second party has been absent and has also refrained to lead evidence. On 14.12.2015 none appeared for both the parties therefore a last opportunity was given to second party to lead evidence in the absence of the first party but even after giving two opportunities thereafter on 12.04.2016 and today on 08.08.2016, the second party did not lead the evidence. Thus in the aforesaid circumstances, it appears that the second party is not willing to prosecute the case. Thus the tribunal has no option but to dismiss the case in non-prosecution of the case by the second party.

2. Thus the reference is dismissed in non-prosecution of the case by the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 23 सितम्बर, 2016

का.आ. 2040.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 1343/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-30012/153/2000-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 23rd September, 2016

S.O. 2040.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1343/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and other and their workman, which was received by the Central Government on 19.09.2016.

[No. L-30012/153/2000-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,
 Presiding Officer, CGIT-cum-Labour Court,
 Ahmedabad,
 Dated 8th August, 2016

Reference: (CGITA) No. 1343/2004

- | | |
|--|----------------|
| 1. The Group General Manager (Projects),
ONGC Ltd., Ankleshwar Project,
Ankleshwar (Gujarat) | |
| 2. M/s Sagar Construction,
Nr. Tapi Bridge, Tax Plaza,
Magdalla ONGC Road,
Surat (Gujarat) – 394518 | ...First Party |

V/s

Shri Jashubhai Narsibhai Gohil, R/o village Trankal, Taluka Vagra, Distt. Bharuch (Gujarat)	... Second Party
---	------------------

For the First Party : Shri P.F. Zaveri
 For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/153/2000-IR (M) dated 02.11.2000 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the contract between the management of ONGC Ltd., Ankleshwar Project, Ankleshwar and the Contractor M/s Sagar Construction, Surat in respect of the contractual workman Shri Jashubhai Narsibhai Gohil is sham & bogus contract?

“Whether the demand of the workman Shri Jashubhai Narsibhai Gohil for treating/declaring him as direct and regular/permanent employee of ONGC Ltd., Ankleshwar Project from either the date of his initial engagement with the contractor or from the date of notification issued by Government of India, prohibiting his alleged employment/work through the contract system is legal and justified? If so, to what relief Shri Jashubhai Narsibhai Gohil is entitled and from which date and what other directions are necessary in the matter?”

1. The reference dates back to 02.11.2000. Second party workman submitted the statement of claim Ext. 7 on 14.01.2001. First party submitted the written statement Ext. 8 on 19.02.2001. Since then the second party workman has been absent. On 01.10.2012, first party advocate moved an applications Ext. 16 and 17 alleging that the second party has been absent for cross-examination of the second party workman to the affidavit/examination in chief. Therefore the Presiding Officer/ My Predecessor allowed these applications and closed the cross-examination of the second party workman on 01.10.2012 and the case was fixed for argument. Since then the second party is absent. It is a case of no evidence.

2. Therefore the reference is dismissed in non-prosecution of the case by the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2016

का.आ. 2041.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सेन्ट्रल वेयरहाउसिंग कार्पोरेशन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ सं. 55/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-42012/2/2015-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 26th September, 2016

S.O. 2041.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 55/2015) of the Central Government Industrial Tribunal/Labour Court-2, Chandigarh now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Central Warehousing Corporation and their workman, which was received by the Central Government on 19.09.2016.

[No. L-42012/2/2015-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present : Sri Kewal Krishan, Presiding Officer

Case No. 55/2015

Registered on 09.12.2015

Sh. Jitender Sao, S/o Sh. Chote Lal, Dhani Mohalla,
Narwana, Dist.Jind, Haryana-126116

...Applicant

Versus

1. The Regional Manager, Central Warehousing Corporation,
Bay No.35-38, Sector-4, Panchkula, Haryana-134112 ...Respondent

APPEARANCES :

For the workman : None.

For the management : Sh. N.K. Zakhmi, Adv.

AWARD

Passed on:- 18.08.2016

Vide Order No.L-42012/2/2015-IR(M), dated 24.11.2015 the Central Government in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Disputes Act, 1947 (in short Act) has referred the following industrial dispute for adjudication to this Tribunal.

“Whether the action of the management of Central Warehousing Corporation, Narwana, Haryana in terminating the service w.e.f. 27.01.2011 of the workman Sh. Jitender Sao, S/o Sh. Chote Lal, is justified or not? If not, what relief the workman is entitled to and from which date?”

Notice was given to the workman through registered cover but he did not appear and was proceeded against ex parte vide order dated 18.03.2016.

Since the workman was proceeded against ex parte, no statement of claim has come on the file.

The workman has failed to come present and to file statement of claim and being so, it cannot be said that the termination of his services by the management is illegal and invalid. Therefore, the reference is decided against the workman and it is held that he is not entitled to any relief.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2016

का.आ. 2042.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 1344/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-30012/150/2000-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 26th September, 2016

S.O. 2042.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1344/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 19.09.2016.

[No. L-30012/150/2000-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 8th August, 2016

Reference: (CGITA) No. 1344/2004

1. The Group General Manager (Projects),
ONGC Ltd., Ankleshwar Project,
Ankleshwar (Gujarat)
2. M/s. Sagar Construction,
Nr. Tapi Bridge, Tax Plaza,
Magdalla ONGC Road,
Surat (Gujarat) – 394518 ...First Party

V/s

Shri Thakorebhai Ishwarbhai Parmar,
R/o Village Trankal, Taluka Vagra,
Distt. Bharuch (Gujarat) ... Second Party

For the First Party : Shri C.S. Naidu, Associates

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/150/2000-IR (M) dated 02.11.2000 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the contract between the management of ONGC Ltd., Ankleshwar Project, Ankleshwar and the Contractor M/s. Sagar Construction, Surat in respect of the contractual workman Shri Thakorebhai Ishwarbhai Parmaris sham & bogus contract?

“Whether the demand of the workman Shri Thakorebhai Ishwarbhai Parmar for treating/declaring him as direct and regular/permanent employee of ONGC Ltd., Ankleshwar Project from either the date of his initial engagement with the contractor or from the date of notification issued by Government of India, prohibiting his alleged employment/work through the contract system is legal and justified? If so, to what relief Shri Thakorebhai Ishwarbhai Parmaris entitled and from which date and what other directions are necessary in the matter?”

1. The reference dates back to 02.11.2000. Second party workman submitted the statement of claim Ext. 5 on 15.01.2001. First party submitted the written statement Ext. 7 on 1.07.2002. Since then the second party workman has been absent. On 01.10.2012, first party advocate moved an applications Ext. 15 and 16 alleging that the second party has been absent for cross-examination of the second party workman to the affidavit/examination in chief. Therefore the Presiding Officer/ My Predecessor allowed these applications and closed the cross-examination of the second party workman on 01.10.2012 and the case was fixed for argument. Since then the second party is absent. It is a case of no evidence.

2. Therefore the reference is dismissed in non-prosecution of the case by the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2016

का.आ. 2043.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 1345/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-30012/154/2000-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 26th September, 2016

S.O. 2043.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1345/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 19.09.2016.

[No. L-30012/154/2000-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 8th August, 2016

Reference: (CGITA) No. 1345/2004

1. The Group General Manager (Projects),
ONGC Ltd., Ankleshwar Project,
Ankleshwar (Gujarat)
2. M/s. Sagar Construction,
Nr. Tapi Bridge, Tax Plaza,
Magdalla ONGC Road,
Surat (Gujarat) – 394518 ...First Party

V/s

Shri Sureshbhai Chaturbhai Vasav,
R/o Village Derwa, Post Mangrol, Taluka Amod,
Distt. Bharuch (Gujarat) ... Second Party

For the First Party : Shri C.S. Naidu, Associates
For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/154/2000-IR (M) dated 02.11.2000 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the contract between the management of ONGC Ltd., Ankleshwar Project, Ankleshwar and the Contractor M/s. Sagar Construction, Surat in respect of the contractual workman Shri Sureshbhai Chaturbhai Vasav is sham & bogus contract?

“Whether the demand of the workman Shri Sureshbhai Chaturbhai Vasav for treating/declaring him as direct and regular/permanent employee of ONGC Ltd., Ankleshwar Project from either the date of his initial engagement with the contractor or from the date of notification issued by Government of India, prohibiting his alleged employment/work through the contract system is legal and justified? If so, to what relief Shri Sureshbhai Chaturbhai Vasav is entitled and from which date and what other directions are necessary in the matter?”

1. The reference dates back to 02.11.2000. Second party workman submitted the statement of claim Ext. 4 on 14.01.2001. First party submitted the written statement Ext. 6 on 19.02.2001. Since then the second party workman has been absent. On 01.10.2012, first party advocate moved an applications Ext. 13 and 14 alleging that the second party has been absent for cross-examination of the second party workman to the affidavit/examination in chief. Therefore the Presiding Officer/ My Predecessor allowed these applications and closed the cross-examination of the second party workman on 01.10.2012 and the case was fixed for argument. Since then the second party is absent. It is a case of no evidence.

2. Therefore the reference is dismissed in non-prosecution of the case by the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2016

का.आ. 2044.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 1380/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-30011/3/2002-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 26th September, 2016

S.O. 2044.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1380/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 19.09.2016.

[No. L-30011/3/2002-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 29th August, 2016

Reference: (CGITA) No. 1380/2004

1. M/s. The Ahmedabad Electricity Co.
Cogen Plant, ONGC Ltd.,
Hazira Project, PO- Bhatpore,
Surat (Gujarat) – 394518
2. M/s. Lloyd Projects Pvt. Ltd.,
Near Cogen Plant, ONGC Ltd.,
Hazira Project, PO- Bhatpore,
Surat (Gujarat) – 394518
3. M/s. Samar Construction,
Near M.M. Department, ONGC Ltd.,
Hazira Project, PO- Bhatpore,
Surat (Gujarat) – 394518
4. M/s. International Engg. & Marine Works,
Parimal Co-op Housing Society, B/92,
Sant Sebastian, Bandra (Mumbai)
5. M/s. Lear Insulation,
ONGC Ltd., Hazira Project,
PO- Bhatpore, Surat (Gujarat) – 394518
6. M/s. S.S. Construction,
12/14, Nishant Shopping Centre,
7, Bungalows,
Andheri (W), Mumbai – 400055
7. M/s. Sagar Construction,
301, Avenue Park, City Light Society,
Opp. Agricultural Farm,
Surat (Gujarat) – 395007
8. The Group General Manager (P),
ONGC Ltd., Hazira Project,
PO- Bhatpore,
Surat (Gujarat) – 394518 ...First Party

V/s

The General Secretary,
The Gujarat Working Class Union,
A-772, ‘Anand Ganga’ Kasak,
Bharuch (East), Gujarat ...Second Party

For the First Party : Shri P.M. Rami
For the Second Party : Shri S.S. Shevde

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/3/2002-IR(M) dated 03.01.2002 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the union to regularize the services of Sh. Dayabhai Chandubhai Khalasi & 88 others (list enclosed) as permanent and direct employees of ONGC Ltd., Hazira Project, Surat with time scale of pay of their category of work equivalent to their similar placed regular employees of ONGC Ltd., from first date of their entry in the Company, by declaring the Contract as ‘sham contract’ is fair and justified? If so, to what relief the concerned 16 workman are entitled to and from which date and what other directions are necessary in the matter?”

1. The reference dates back to 03.01.2002. The second party workmen submitted the statement of claim Ext. 3 on 12.02.2002. The first party no. 1 M/s The Ahmedabad Electricity Co., Cogen Plant, ONGC Ltd., Hazira Project, PO- Bhatpore, Surat submitted the vakalatpatra Ext. 7 of his advocate Vinod J. Patel who is also present today and also submitted the written statement Ext. 5.

2. On 13.04.2016, workman Dineshbhai Manubhai Parmar and Balwant Nathubhai Khalasi on 04.03.2016, workman Prakash R. Patel on 29.04.2016 and workmen Babu N. Khalasi, Dinesh Govindbhai Patel & Kantibhai Narain Patel moved applications Ext. 25, 28 & 31 respectively for their deletion of name from the reference, same were allowed.

3. On 30.06.2016, case was fixed for 16.08.2016 when remaining workmen did not turn up and again case was fixed for 29.08.2016, remaining workmen have not been appearing despite the appearance of first party advocate Dinesh M. Patel.

4. Thus it appears that the remaining second party workmen have no willingness to prosecute the case. Therefore the tribunal has no option but to dismiss the case in non-prosecution of the case by the remaining second party workmen.

5. Thus the reference is dismissed in non-prosecution of the case by the remaining second party workmen.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2016

का.आ. 2045.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 1394/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-30011/23/2002-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 26th September, 2016

S.O. 2045.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1394/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 19.09.2016.

[No. L-30011/23/2002-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 8th August, 2016

Reference: (CGITA) No. 1394/2004

1. The Group General Manager (P),
ONGC Ltd., Hazira Project, P.O. Bhatpore,
Surat (Gujarat) – 394518
 2. The Manager (PSD),
The A.E. Co. Ltd.,
Chinubhai Tower, Ashram Road,
Ahmedabad (Gujarat) – 380009
 3. The Proprietor,
M/s. Essel Engineering Service,
N-13, Jalvayu, Hiranandani Garden, Powai,
Mumbai – 400076
- ...First Party

V/s

Shri B.C. Shah,
303, Nandanvan Complex, B/h BhulkaBhavan, Adajan,
Surat (Gujarat) – 395009Second Party

For the First Party : None
For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/23/2002-IR (M) dated 29.08.2002 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether Shri B.C. Shah, who is working as ‘Boiler Operator’ with two assistance can be termed as “Workman”? “Whether the notification dated 08.09.1994 issued by Government of India, Ministry of Labour, New Delhi will be applicable to the technically qualified person like Shri B.C. Shah?” If yes, “Whether the demand of the workman Shri B.C. Shah contractual workman engaged through various contractors in the establishment of ONGC Ltd. at M.P. Boilers, Hazira, Surat for treating him as direct and regular employee of the ONGC Ltd. from the date of his joining is legal, proper and justified? If so, to what relief the concerned workman Shri B.C. Shah is entitled to and from which date and what other directions are necessary in the matter?”

1. The reference dates back to 29.08.2002. Second party submitted the statement of claim Ext. 10 on 22.10.2002. First party No. 2 submitted the written statement on sometimes in 2003 but first party no. 1 did not prefer to submit the written statement. Therefore the case was fixed for evidence of the second party but since 14.08.2002, second party has been absent and has also refrained to lead evidence. On 14.12.2015 none appeared for both the parties therefore a last opportunity was given to second party to lead evidence in the absence of the first party but even after giving two opportunities thereafter on 12.04.2016 and today on 08.08.2016, the second party did not lead the evidence. Thus in the aforesaid circumstances, it appears that the second party is not willing to prosecute the case. Thus the tribunal has no option but to dismiss the case in non-prosecution of the case by the second party.
2. Thus the reference is dismissed in non-prosecution of the case by the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2016

का.आ. 2046.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स जॉएमसी माइनिंग एण्ड क्वारी वर्क्स लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 95/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-29012/5/2009-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 26th September, 2016

S.O. 2046.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 95/2010) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. JMC Mining & Quarry Works Ltd. and their workman, which was received by the Central Government on 19.09.2016.

[No. L-29012/5/2009-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,
 Presiding Officer, CGIT-cum-Labour Court,
 Ahmedabad,
 Dated 4th August, 2016

Reference: (CGITA) No. 95/2010

The Managing Director,
 JMC Mining & Quarry Works Ltd.,
 B/h Pali Hill Quarry Village,
 Sonipur River Bed Side, Tal.Thasra,
 Kharda (Gujarat)

...First Party

V/s

Shri Shaikh Y. Rasulmia,
 C/o Gujarat Engineering and General Kamdar Union,
 Bhalchandra Trivedi Sabha Hall,
 208-212, Gayatri Chambers, RC Dutt Road,
 Vadodara (Gujarat) – 390007

...Second Party

For the First Party : None

For the Second Party : Shri Atul S. Vyas

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-29012/5/2009 IR (M) dated 27.07.2009 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of JMC Mining and Quarries Ltd., Thasra or their contractor in terminating the services of Shri Shaikh Y. Rasulmia is just and fair? What relief the workman is entitled to?”

1. The reference dates back to 27.07.2009. Both the parties were served by registered post. The advocate for second party Shri Atul S. Vyas filed the vakalatpatra on behalf of the second party on 17.11.2009. Since then neither of the parties have been appearing therefore fresh notices Ext. 5 and Ext. 6 repeatedly issued to both the parties to appear on 23.03.2011 and 04.08.2016 respectively but to no result. Despite filing the vakalatpatra on behalf of the second party by his advocate, he did not bother to submit the statement of claim. Thus it appears that the second party has no inclination to prosecute the case. Therefore the tribunal has no option but to dismiss the case in default of the second party.

2. Thus the reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2016

का.आ. 2047.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स अदानी गैस लिमिटेड एवं अन्य के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 90/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-30011/5/2012-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 26th September, 2016

S.O. 2047.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 90/2012) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Adani Gas Ltd. and others and their workman, which was received by the Central Government on 19.09.2016.

[No. L-30011/5/2012-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 10th August, 2016

Reference: (CGITA) No. 90/2012

1. The Vice President,
Adani Gas Ltd, 8th Floor, Heritage Building,
Ashram Road, Ahmedabad – 380001
2. M/s. Security with Differences,
4, Neelkanth Complex, Opp. Maruti Arcade,
Near Jivrajpark Over Bridge, 132 Ft Ring Road,
Jivrajpark Cross Road,
Ahmedabad ...First Party

V/s

Shri Mohanbhai Kalidas Parmar,
C/o General Secretary,
Shram Shakti Labour Union,
66, Janta Nagar, Odhav, Ahmedabad ...Second Party

For the First Party : None
For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/5/2012-IR (M) dated 18.05.2012 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of M/s. Security with Differences a contractor of Adani Gas Limited, Ahmedabad in terminating the services of ShriMohanbhaiKalidasParmarw.e.f. 18.07.2011 without any notice or written order and without any service benefits, is legal and justified? What relief the workman is entitled to?”

The reference dates back to 18.05.2012. The notice was issued to all the parties on 12.07.2012 by registered post. Notice appears to have been served to all the parties as the copies of notices to each party have not been received back as unserved. Thus service on all the parties deems sufficient. Neither of the parties has appeared since then nor have they filed their statement of claim or written statement, as the case may be. Thus in the said circumstances all the parties do not appear to be willing to prosecute the case. The tribunal has no option but to give the finding in the reference as below:

“Thus the action of the management of M/s. Security with Differences a contractor of Adani Gas Limited, Ahmedabad in terminating the services of Shri Mohanbhai Kalidas Parmar w.e.f. 18.07.2011 without any notice or written order and without any service benefits, is legal and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2016

का.आ. 2048.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स अदानी गैस लिमिटेड एवं अन्य के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 93/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-30011/8/2012-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 26th September, 2016

S.O. 2048.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 93/2012) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Adani Gas Ltd. and others and their workman, which was received by the Central Government on 19.09.2016.

[No. L-30011/8/2012-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 1st August, 2016

Reference: (CGITA) No. 93/2012

1. The Vice President,
Adani Gas Ltd, 8th Floor, Heritage Building,
Ashram Road, Ahmedabad – 380001
2. M/s. Securiyi with Differences,
4, Neelkanth Complex, Opp. Maruti Arcade,
Near Jivrajpark Over Bridge, 132 Ft Ring Road,
Jivrajpark Cross Road,
Ahmedabad ...First Party

V/s

Shri Govindbhai Merubhai Aahir,
C/o General Secretary,
Shram Shakti Labour Union,
66, Janta Nagar, Odhav,
Ahmedabad ...Second Party

For the First Party : None
For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/8/2012-IR (M) dated 18.05.2012 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of M/s. Security with Differences a contractor of Adani Gas Ltd, Ahmedabad in terminating the services of Shri Govindbhai Merubhai Aahir w.e.f. 20.07.2011 without any notice or written order and without any service benefits, is legal and justified? What relief the workman is entitled to?”

1. The reference dates back to 18.05.2012. Both the parties were issued notices by registered post on 22.07.2012. Same were not received as unserved. Thus, the parties are deemed served. But since then neither of the parties have been present and have not filed their statement of claim or written statement as the case it may be. Thus, it appears that both the parties are not willing to prosecute the case.

2. Thus, the reference is dismissed in default of both the parties.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2016

का.आ. 2049.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स अदानी गैस लिमिटेड एवं अन्य के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 94/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-30011/9/2012-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 26th September, 2016

S.O. 2049.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 94/2012) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Adani Gas Ltd. and others and their workman, which was received by the Central Government on 19.09.2016.

[No. L-30011/9/2012-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 10th August, 2016

Reference: (CGITA) No. 94/2012

1. The Vice President,
Adani Gas Ltd, 8th Floor, Heritage Building,
Ashram Road, Ahmedabad – 380001
 2. M/s. Securiy with Differences,
4, Neelkanth Complex, Opp. Maruti Arcade,
Near Jivrajpark Over Bridge, 132 Ft Ring Road,
Jivrajpark Cross Road,
Ahmedabad
- ...First Party

V/s

Shri Govindbhai Muljibhai Vaghela,
C/o General Secretary,
Shram Shakti Labour Union,
66, Janta Nagar, Odhav,
Ahmedabad

...Second Party

For the First Party	:	None
For the Second Party	:	None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/9/2012-IR (M) dated 18.05.2012 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of M/s. Security with Differences a contractor of Adani Gas Limited, Ahmedabad in terminating the services of Shri Govindbhai Muljibhai Vaghela.w.e.f. 20.07.2011 without any notice or written order and without any service benefits, is legal and justified? What relief the workman is entitled to?”

The reference dates back to 18.05.2012. The notice was issued to all the parties on 12.07.2012 by registered post. Notice appears to have been served to all the parties as the copies of notices to each party have not been received back as unserved. Thus service on all the parties deems sufficient. Neither of the parties has appeared since then nor have they filed their statement of claim or written statement, as the case may be. Thus in the said circumstances all the parties do not appear to be willing to prosecute the case. The tribunal has no option but to give the finding in the reference as below:

“Thus the action of the management of M/s Security with Differences a contractor of Adani Gas Limited, Ahmedabad in terminating the services of Shri Govindbhai Muljibhai Vaghela w.e.f. 20.07.2011 without any notice or written order and without any service benefits, is legal and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2016

का.आ. 2050.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 100/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-30012/40/2011-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 26th September, 2016

S.O. 2050.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 100/2012) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Hindustan Petroleum Corporation Ltd. and their workman, which was received by the Central Government on 19.09.2016.

[No. L-30012/40/2011-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 9th August, 2016

Reference: (CGITA) No. 100/2012

The Chairman and Managing Director,
HPCL, 17, Jamshedji Tata Raod,
Post Box No. 11041, Mumbai – 400020

...First Party

V/s

The General Secretary,
Bhartiya Kamgar Karmachari Mahasangh,
5, Navalkar Lane, 1st floor, Prathana Samaj,
Girgaon, Mumbai – 400020

...Second Party

For the First Party : Shri D.C. Gandhi Associates
For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/40/2011-IR (M) dated 24.04.2012 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

- (i) “Whether the action of the management of Hindustan Petroleum Corporation Ltd., in depriving Shri B.D. Rathod from the post of Weigh Bridge Operator at Kandla which is not in cluster C is legal and justified? What relief the workman is entitled to?”
- (ii) “Whether the action of the management of HPCL in giving promotion to S/Shri D.N. Rajwani, Kishore D’souza and K.D. Mala from cluster A to cluster C without giving change to the seniors as per the provisions of Career Development Policy of the Company is legal and justified? What relief the concerned workmen are entitled to?”

1. The reference dates back to 24.04.2012. Second party submitted the statement of claim Ext. 6 on 12.02.2013 along with the vakalapatra Ext. 7 of his advocate Yogen Pandya.

2. Before filing written statement, the second party workman vide application Ext. 9 & 10 requested the tribunal to withdraw the statement of claim in the reference stating that he has settled the dispute with the first party and Under the early retirement Scheme by the Hindustan Petroleum Corporation vide Circular Reference HR-NK-APY-CM dated 01.09.2014, he has wished to be relieved under the aforesaid scheme for early retirement with effect from 01.10.2016 (annexure 1).

3. Thus in the light of the aforesaid circumstances, the reference is dismissed as withdrawn.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2016

का.आ. 2051.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स गुजरात मिनरल डेवलपमेंट कार्पोरेशन लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 167/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.09.2016 को प्राप्त हुआ था।

[सं. एल-29012/37/2012-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 26th September, 2016

S.O. 2051.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 167/2012) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Gujarat Mineral Development Corporation Ltd. and others and their workman, which was received by the Central Government on 19.09.2016.

[No. L-29012/37/2012-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 1st August, 2016

Reference: (CGITA) No. 167/2012

The Managing Director,
Gujarat Mineral Development Corporation Ltd.,
Khanji Bhavan, Ahmedabad

...First Party

V/s

Shri Bhil Ramsinghbhai Dhaniyabhai,
Nr. Shiv Mandir, At & Post Kadipani, Sub. Distt. Kawant,
Vadodara (Gujarat)

... Second Party

For the First Party : None

For the Second Party : Advocate Prashant

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-29012/37/2012-IR (M) dated 10.12.2012 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the action of the management of Gujarat Mineral Development Limited, Ahmedabad, by retiring the services of Shri Bhil Ramsinghbhai Dhaniyabhai w.e.f. 11.03.2011 before attaining the age of retirement i.e. 60 (sixty) years is legal and justified? What relief the workman is entitled to?"

1. The reference dates back to 10.12.2012. All the parties were issued notices by registered post on 05.02.2013. Acknowledgements of service on all the parties are received as Ext. 3 and 4 on 11.02.2013. The second party submitted the vakalatpatra Ext. 5 of his advocate on 01.04.2013 but since then second party has not been appearing in the court and has also not been filing the statement of claim. Thus, it appears that both the parties are not willing to prosecute the case. The tribunal has no option but to dismiss the case in default of both the parties.

2. Thus, the reference is dismissed in default of both the parties.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2016

का.आ. 2052.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स खेतड़ी कॉफर कॉम्प्लैक्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर के पंचाट (संदर्भ सं. 12/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21.09.2016 को प्राप्त हुआ था।

[सं. एल-43011/7/1994-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 26th September, 2016

S.O. 2052.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 12/1995) of the Central Government Industrial Tribunal/Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Khetri Copper Complex and their workman, which was received by the Central Government on 21.09.2016.

[No. L-43011/7/1994-IR (M)]

SAMIR KUMAR DAS, Under Secy.

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं० सी.आई.टी. 12/95

रैफरेंस: केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश

क्रमांक एल.-43011/7/94-आई.आर.(विविध) दि. 2.3.95

खेतड़ी कॉपर मज़दूर संघ, खेतड़ी नगर, झुंझनू

..प्रार्थी

बनाम

परियोजना प्रबन्धक, खेतड़ी कॉपर काम्प्लैक्स, खेतड़ी नगर, झुंझनू

..अप्रार्थी

उपस्थित :

पीठासीन अधिकारी : विधा सागर टांक, आर.एच.जे.एस.

प्रार्थी की ओर से :

श्री आर. सी. जैन,

अप्रार्थी की ओर से :

श्री अशोक वर्मा,

दिनांक अवार्ड : 14.5.2002

अवार्ड

1. केन्द्र सरकार, श्रम मंत्रालय नई दिल्ली द्वारा निम्न विवाद इस न्यायाधिकरण को अधिनिर्णयार्थ प्रेषित किया गया है:

"Whether the action of the management of Khetri Copper Complex, Khetri Nagar, in not granting higher pay scale of Sr. Ropewaymen to s/shri Kesher Deo Sharma code No. 20346, Phool Chand code No. 20440, Devaram Saini code No. 13219, Pratap Chand code No. 25425, Conveyer operators, doing the job of Sr. Ropewayman, is justified? If not to what relief the workman are entitled?"

2. प्रार्थी यूनियन ने स्टेटमेंट ऑफ क्लैम पेश कर कथन किया कि खेतड़ी कॉपर काम्प्लैक्स में दो पृथक अनुभाग हैं, माइन्स व प्लान्ट्स। एरियल रोपवे में होने वाले कार्य का एक हिस्सा है। एरियल रोपवे में विभिन्न श्रेणी के श्रमिक कार्यरत हैं, जिनमें अनलोडिंग सैक्षण में कार्यरत कन्वेयर ऑपरेटर्स भी हैं। यूनियन का कथन है कि विपक्षी संस्थान के प्रबन्धकों व तत्कालीन यूनियन के बीच श्रमिकों की विभिन्न श्रेणियों के कार्य का मूल्यांकन किये जाने का समझौता हुआ था किन्तु जानबूझकर कन्वेयर आपरेटर के कार्य का मूल्यांकन नहीं किया गया और उन्हें उच्च पद/वेतन श्रृंखला के लाभ से वंचित रखा गया क्योंकि विपक्षी संस्थान की खानों पर चलने वाले एरियल रोपवे पर कार्यरत चारों कन्वेयर प्रार्थी यूनियन के सदस्य थे। यूनियन का कथन है कि प्रार्थीगण कन्वेयर्स आपरेटर्स का कार्य अप्रार्थी संस्थान में कार्यरत सीनियर रोपवे मैन के न केवल समान है बल्कि कई कार्य ऐसे हैं जो सीनियर रोपवेमैन नहीं करते केवल कन्वेयर ऑपरेटर्स करते हैं। क्लैम के पैरा सं० 5 में यूनियन ने कन्वेयर आपरेटर्स द्वारा सम्पादित किये गये कार्यों का विस्तृत उल्लेख किया है और उनका कथन है कि कार्य मूल्यांकन के नाम पर सीनियर रोपवेमैन को टी-८ की स्केल में वेतन श्रृंखला का लाभ दे दिया। यूनियन का कथन है कि विवाद से संबंधित श्रेणी के श्रमिकों को टी-४ की स्केल दी गई जो कि उनसे कम स्तर का कार्य करने वाले श्रमिकों से भी नीची स्केल है। यूनियन का यह भी कथन है कि समझौता वार्ता के दौरान विपक्षी प्रतिनिधि ने स्वीकार किया कन्वेयर आपरेटर के कार्य की प्रकृति को देखते हुए उनको उच्च वेतन श्रृंखला दी जानी चाहिए, इससे जाहिर है कि संबंधित श्रमिक उच्च श्रेणी (टी-८) की वेतन श्रृंखला प्राप्त करने के अधिकारी हैं। किन्तु तत्कालीन मान्यता प्राप्त यूनियन के दबाव में आकर विवाद से संबंधित श्रमिकों को उन्हें मिलने वाला लाभ नहीं दिया गया। यूनियन का यह भी कथन है कि सेवा नियमों/स्थाई आदेशों में कन्वेयर आपरेटर का पद ही नहीं रखा गया। यूनियन का कथन है कि संबंधित चारों श्रमिक न केवल सीनियर रोपवेमैन का कार्य करते हैं वरन् उन कार्यों के अतिरिक्त भी अन्य कार्य करते हैं और इस आधार पर ये चारों श्रमिक उसी तिथि से टी-८ वेतन श्रृंखला में वेतन व भत्ते तथा एरियर प्राप्त करने के अधिकारी हैं जिस तिथि से सीनियर रोपवे मैन को टी-८ वेतन श्रृंखला दी गई। यूनियन का यह भी कथन है कि समान कार्य के लिए समान वेतन के सिद्धान्त पर भी ये श्रमिक टी-८ की वेतन श्रृंखला व भत्ते प्राप्त करने के अधिकारी हैं। प्रार्थी यूनियन का यह भी कथन है कि जिस समझौते को आधार मानकर टी-४ की वेतन श्रृंखला रखी गई, वह समझौता ही अधिनियम के प्रावधानों के विपरीत तथा अनुचित एवं अवैध है। उनका यह भी कथन है कि उस समझौते से नियोजकों व तत्कालीन मान्यता प्राप्त यूनियन को यह अधिकार प्राप्त नहीं हो जाता कि चाहे जिस श्रेणी के कार्य का मूल्यांकन करे और चाहे जिसका नहीं करे। यूनियन का यह भी कथन है कि तत्कालीन यूनियन से सांठ गांठ करके ही यह कार्यवाही प्रार्थी यूनियन के सदस्यों के साथ दुर्भावनावश उन्हें विकटीमाइज़ करने के उद्देश्य से की गई है। अतः यूनियन की प्रार्थना है कि विवाद से संबंधित चारों श्रमिकगण/सीनियर को रोपवे मैन हेतु निर्धारित टी-८ वेतन श्रृंखला उसी तिथि से दिलाई जावे जिस तिथि से यह वेतन श्रृंखला सीनियर रोपवेमैन को दी गई तथा उसी के अनुसार समस्त लाभ आर्थिक व वरिष्ठता संबंधी भी दिलाये जायें।

3. अप्रार्थी ने क्लैम का जवाब पेश किया है और उनका कथन है कि यूनियन ने यह बलत कथन किया है कि कार्य मूल्यांकन से मात्र उच्च वेतन मिलता हो बल्कि बहुत सी कैटेगरीज़ में यथावत वेतनमान मिल रहा है व कुछ श्रेणियों से वेतनमान कम भी हुआ है। उन्होंने इस

बात को अस्वीकार किया है कि किसी विशेष कर्मकार के किसी विशेष संगठन से जुड़े रहने के संबंध में सूचना प्रबन्धक को होती है। अप्रार्थी का यह भी कथन है कि कन्वेयर आपरेटर का कार्य सीनियर रोपवे-मैन के समान व समकक्ष नहीं है। कार्य के मूल्यांकन के लिए विशेष कमटी बनाइ गई है जो कार्य के स्थान, प्रकार एवं निष्पादन हेतु कर्मकार की योग्यता, क्षमता व उत्तरदायित्व की सीमा को देखते हुए वेतन निर्धारण की सिफारिश करती है। इस प्रकार की समिति की रिपोर्ट के आधार पर ही समझौता दिनांक 2.7.91 किया गया था जिसने सीनियर रोपवे-मैन श्रेणी का कार्य मूल्यांकन के आधार पर वेतनमान तय किया था। अप्रार्थी ने यूनियन के इस कथन को अस्वीकार किया है कि सीनियर रोपवे-मैन को टी-8 श्रेणी बिना किसी मूल्यांकन के दी गई है। उनका कथन है कि कन्वेयर्स ऑपरेटर्स को कार्य मूल्यांकन समिति द्वारा 4.8.83 को ही टी-4 स्केल प्रदान की गई थी और अब श्रेणी की समानता का निर्धारण नहीं किया जा सकता क्योंकि समान कार्य के मूल्यांकन के लिए अनेक तकनीकी व विधि बिन्दु निर्णित किये जाते हैं जिन्हें मात्र तकनीकी योग्यता प्राप्त विशेषज्ञ समिति ही कर सकती है। अप्रार्थी के जवाब के अनुसार न तो कन्वेयर श्रेणी, सीनियर रोपवे-मैन की श्रेणी के समकक्ष है और ना ही प्रार्थी इस आधार पर कोई राहत पाने के अधिकारी हैं। अतः प्रार्थी यूनियन द्वारा प्रस्तुत क्लैम सारहीन है और क्लैम खारिज किया जावे।

4. यूनियन की ओर से क्लैम के समर्थन में श्री कन्वेयर सिंह, महामंत्री श्री फूलचन्द, कन्वेयर आपरेटर के शपथ पत्र प्रस्तुत हुए हैं जिससे अप्रार्थी के विद्वान प्रतिनिधि ने जिरह की है। अप्रार्थी की ओर से श्री बी.पी. भट्टाचार्य मैनेजर सर्पनल (आईआर.) का शपथ पत्र पेश हुआ है जिससे प्रार्थी के विद्वान प्रतिनिधि ने जिरह की है। कुछ दस्तावेज़ाद भी प्रकरण में प्रस्तुत हुए हैं जिनका विवेचन यथास्थान किया जायेगा।

5. मैंने दोनों पक्ष के विद्वान प्रतिनिधिगण की बहस सुनी, पत्रावली का अवलोकन किया।

6. प्रार्थी के विद्वान प्रतिनिधि का मुख्य तर्क है कि दिनांक 22.1.80 को अप्रार्थी एवं यूनियन के मध्य एक समझौता हुआ, जो कि प्रदर्श डबल्यू-6 है। प्रार्थी यूनियन के प्रतिनिधि का तर्क है कि कन्वेयर आपरेटर का कार्य सीनियर रोपवे-मैन के कार्य के समकक्ष है बल्कि उससे भी ज्यादा है। उनका कथन है कि कुछ कार्य तो कन्वेयर आपरेटर के ऐसे हैं जो रोपवे-मैन नहीं करते हैं केवल कन्वेयर आपरेटर ही करते हैं और फिर भी उनकी वेतन श्रृंखला टी-4 रखी गई है जो कि सीनियर रोपवे-मैन की वेतन श्रृंखला टी-8 से बहुत कम है। इस प्रकार समान कार्य के लिए समान वेतन प्रार्थीगण को नहीं देना अनुचित श्रम व्यवहार है, अतः उन्हें टी-8 वेतन श्रृंखला दिलाई जावे।

7. दूसरी ओर अप्रार्थी के विद्वान प्रतिनिधि का यह तर्क है कि जो श्रमिक कन्वेयर आपरेटर हैं वे ज़मीन के ऊपर अर्थात् सरफेस पर काम करते हैं और जिनको टी-8 स्केल दी गई है वे माइन्स के अन्दर कार्य करते हैं, अतः उनका कार्य ज्यादा जोखिम वाला है। इस प्रकार दो तरह के रोपवे-मैन होते हैं और जो ज़मीन के अन्दर कार्य करते हैं उनका वेतन टी-8 स्केल का है अतः प्रार्थीगण को जो स्केल दी जा रही है वह सही एवं उचित है।

8. मैंने दोनों पक्षों द्वारा प्रस्तुत तर्कों पर विचार किया व पत्रावली पर आई साक्ष्य का अध्ययन किया एवं दस्तावेज़ाद का भी अवलोकन किया। प्रार्थी यूनियन की ओर से जो दो गवाह साक्ष्य में प्रस्तुत हुए हैं उन्होंने एक आवाज़ में यह बयान किया है कि खेतड़ी कॉपर काम्पलैक्स में दो पृथक अनुभाग हैं, माइन्स व प्लान्ट्स एरियल रोपवे माइन्स अनुभाग में होने वाले कार्य का एक हिस्सा है। एरियल रोपवे में विभिन्न श्रेणी के श्रमिक कार्यरत हैं जिनमें अनलोडिंग सैक्षण में कन्वेयर आपरेटर भी हैं और वे चारों विवाद से सम्बंधित श्रमिक हैं। उनका साक्ष्य में यह भी कथन है कि दिनांक 2.7.91 को विपक्षी संस्थान के प्रबन्धकों व तत्कालीन मान्यता प्राप्त यूनियन के बीच संस्थान में कार्यरत श्रमिकों का विभिन्न श्रेणी के कार्य का मूल्यांकन किये जाने का समझौता हुआ और उसमें विवाद से संबंधित श्रमिकों के कार्य का भी मूल्यांकन किया जाकर सीनियर रोपवे-मैन के पद व टी-8 वेतन श्रृंखला का कार्य निर्धारित किया गया किन्तु जानवूडकर तत्कालीन विपक्षी संस्थान के प्रबन्धकों व मान्यता प्राप्त यूनियन के तत्कालीन पदाधिकारियों ने कन्वेयर आपरेटर्स के कार्य मूल्यांकन को नहीं माना और इस लाभ से उन्हें वंचित रखा क्योंकि ये चारों प्रार्थी संघ के सदस्य थे। दोनों ही गवाहों ने अपने शपथ पत्र में कन्वेयर आपरेटर्स द्वारा किये जाने वाले कार्यों का विवरण अंकित किया है और उनका कथन है कि यही कार्य सीनियर रोपवे-मैन द्वारा भी सम्पादित किये जाते हैं और कन्वेयर आपरेटर्स द्वारा कुछ अतिरिक्त कार्य भी सम्पादित किये जाते हैं जो कि सीनियर रोपवे-मैन नहीं करते हैं। इस प्रकार समान कार्य समान वेतन के सिद्धान्त/अधार पर प्रार्थीगण भी सीनियर रोपवे-मैन के पद की वेतन श्रृंखला टी-8 पाने के अधिकारी हैं। दोनों ही गवाहों का यह भी सशपथ बयान है कि समझौता वार्ता के दौरान स्पष्ट नियोजक प्रतिनिधि ने यह बात स्वीकार की कि कन्वेयर आपरेटर के कार्य की प्रकृति को देखते हुए उनको उच्च वेतन देना चाहिये था।

9. यूनियन के दोनों ही गवाहों से जिरह में ऐसी कोई बात नहीं आई है जिससे यह साबित हो सके कि कन्वेयर आपरेटर का कार्य सीनियर रोपवे-मैन के कार्य से निम्न पद का हो या वे सीनियर रोपवे-मैन द्वारा किये गये कार्यों को नहीं करते हों बल्कि श्री करनैल सिंह की जिरह में यह आया है कि जो कार्य ये चारों कन्वेयर आपरेटर कर रहे हैं, उसके अनुरूप उन्हें वेतन श्रृंखला नहीं दी जा रही है। श्री फूलचन्द ने जिरह में यह कहा है कि जिन श्रमिकों को कार्य मूल्यांकन के आधार पर उच्च श्रृंखला का लाभ दिया गया है वे भी हमारे साथ माइन्स के बाहर ही कार्य कर रहे हैं।

10. अप्रार्थी के साथी श्री बी.पी. भट्टाचार्य ने जिरह में यह स्वीकार किया है कि सीनियर रोपवे-मैन का समझौता जो जॉब इवेल्यूएशन के बारे में है, वह न्यायालय में पेश नहीं किया गया है। जिरह में इस साक्षी ने इस बात से भी अनभिज्ञता जाहिर की है कि रोपवे अनलोडिंग सैक्षण में सीनियर रोपवे-मैन की तैनाती है या नहीं तथा उनका कार्य कन्वेयर आपरेटर्स ही करते हैं।

11. उपरोक्त साक्ष्य के विवेचन से यह प्रकट होता है कि अप्रार्थी द्वारा इस साक्ष्य का कोई खण्डन नहीं किया गया है कि जो कार्य सीनियर रोपवे-मैन द्वारा किये जाते हैं वही कार्य बल्कि उससे भी ज्यादा कार्य कन्वेयर आपरेटर्स द्वारा किये जाते हैं अर्थात् दोनों के कार्य समान हैं इस बात का खण्डन अप्रार्थी की साक्ष्य से नहीं होता। दूसरे अप्रार्थी की ओर से इस बात की भी कोई साक्ष्य नहीं है कि रोपवे-मैन माइन्स के अन्दर कार्य करते हैं। जबकि प्रार्थी यूनियन के साक्षी ने स्पष्ट किया है कि सीनियर रोपवे-मैन भी सरफेस पर कार्य करते हैं।

अप्रार्थी की ओर से ऐसी भी कोई साक्ष्य नहीं है जिससे यह प्रमाणित हो कि सीनियर रोपवे मैन का कार्य कन्वेयर आपरेटर से ज्यादा या भिन्न प्रकार का हो। अप्रार्थी यह भी प्रमाणित करने में असमर्थ रहे हैं कि सीनियर रोपवे मैन का जो कार्य है वह कन्वेयर आपरेटर से ज्यादा है तथा उसमें जोखिम भी कन्वेयर आपरेटर के कार्य से ज्यादा है। इस प्रकार प्रार्थी यूनियन की साक्ष्य से यह भली भांति प्रमाणित होता है कि कन्वेयर आपरेटर जो कार्य करते हैं वही कार्य सीनियर रोपवे मैन द्वारा भी किया जाता है किन्तु दोनों की वेतन श्रृंखला में असमानता है जो न्यायाधिकरण की विनम्र राय में अनुचित श्रम व्यवहार की परिभाषा में आता है। समान कार्य समान वेतन के सिद्धान्त के आधार पर प्रार्थीगण, जो कि कन्वेयर आपरेटर्स का कार्य कर रहे हैं, भी सीनियर रोपवे मैन की भांति टी-8 वेतन श्रृंखला प्राप्त करने के अधिकारी हैं।

12. उपरोक्त विवेचन के आधार पर प्रकरण में निम्न अवार्ड पारित किया जाता है:

‘खेतड़ी कॉपर काम्पलैक्स के प्रबन्धतंत्र द्वारा सर्वश्री केशर देव शर्मा कोड नं० 20346, फूलचन्द, कोड नं० 20440, देवा राम सैनी, कोड नं० 13239 व प्रताप चन्द, कोड नं० 25425, कनवेयर आपरेटर्स, जो कि सीनियर रोपवे मैन का कार्य कर रहे हैं, को सीनियर रोपवे मैन की वेतन श्रृंखला न दिया जाना उचित एवं वैद्य नहीं है। प्रार्थीगण उसी तिथि से यह वेतन श्रृंखला प्राप्त करने के अधिकारी हैं, जिस तिथि से यह वेतन श्रृंखला सीनियर, रोपवे मैन को दी गई।’

13. अवार्ड आज दिनांक 14.5.2002 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जावे।

विद्या सागर टाक, न्यायाधीश

नई दिल्ली, 26 सितम्बर, 2016

का.आ. 2053.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार राजस्थान एटॉमिक पावर स्टेशन एंड अदर्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर के पंचाट (संदर्भ केस सं. 65/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.09.2016 को प्राप्त हुआ था।

[सं. एल-42011/51/2015-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 26th September, 2016

S.O. 2053.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. 65/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Rajasthan Atomic Power Station & others and their workman, which was received by the Central Government on 26.09.2016.

[No. L-42011/51/2015-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

BHARAT PANDEY, Presiding Officer

I.D. 65/2015

Reference No. L-42011/51/2015-IR(DU) dated: 18.6.2015

The General Secretary
Hindustan Construction Workers
Union-7 & 8,CITU Union Office, Phase-II,
Rawatbhata (Kota)-323307.

V/s

1. The Site Director
Rajasthan Atomic Power Station
R.R.Site, PO- Anushakti
Rawatbhata (Kota)-323303.
2. The Project Manager
M/s Hindustan construction Company
Rajasthan Atomic Power Project 7 & 8
R.R. Site, Rawatbhata (Kota)-323307.

AWARD

30.8.2016

1. The Central Government in exercise of the powers conferred under clause (d) of Sub-section 1 & 2(A) of Section 10 of the Industrial Disputes Act 1947 has referred the following Industrial dispute to this tribunal for adjudication:-

“क्या प्रबंधन श्रीमान् परियोजना प्रबन्धक, हिन्दुस्तान कन्स्ट्रक्शन कम्पनी, राजस्थान परमाणु पावर प्रोजेक्ट 7 व 8, आर आर साईट, रावतभाटा वाया कोटा (राज.) द्वारा यूनियन के मांग पत्र दिनांक 21.12.2013 में वर्णित 20 मांगों पर कार्यवाही नहीं किया जाना वैधानिक एवं न्यायसंगत है, यदि नहीं तो प्रार्थी यूनियन (कर्मकार) किस राहत के और कब से पाने के हकदार हैं?”

2. Pursuant to the receipt of the reference order, registered notices were sent to the parties as per order of the tribunal fixing 12.1.2016 for filing statement of claim. On 12.1.2016 none appeared on behalf of applicant & opposite party no.1, the Site Director. Sh. Satish Pachori appeared on behalf of opposite party no.2, the Project Director, Hindustan Construction Company & alleged to file authority on next date. The case was adjourned in interest of justice fixing 15.3.2016 for filing statement of claim. On 15.3.2016 neither anyone appeared on behalf of applicant nor statement of claim was filed. Learned representative on behalf of opposite party came in appearance. Case was again adjourned in the interest of justice fixing 12.5.2016 for filing statement of claim. On 15.3.2016 authority was filed on behalf of M/s. Hindustan Construction Company.

3. On 12.5.2016 Sh. Rajendra Gupta, learned Advocate alleged that Sh. Dharmendra Jain, Advocate is the learned representative for opposite party & will not come today. Sh. Vinay Mishra, Chief Personnel Manager, appeared for the Project Manager, M/s. Hindustan Construction Company. None appeared on behalf of applicant in spite of service against the applicant. It was observed that despite service none is appearing on behalf of applicant since past dates although applicant have been served for the first date 12.1.2016. It was objected by opposite party that opportunities are suo-moto extended to the applicant by tribunal although none is appearing for applicant. Accordingly, last opportunity was given to the applicant for filing statement of claim on 16.6.2016. On 16.6.2016 neither anyone appeared on behalf of applicant nor statement of claim was filed. Sh. Vinay Mishra, Chief Personnel Manager, appeared on behalf of M/s Hindustan Construction Company & none appeared for remaining opposite party. Again case was adjourned furnishing one opportunity to the applicant for filing statement of claim on 14.7.2016 with observation that in absence of statement of claim further proceeding will be closed against the applicant.

4. On 14.7.2016 none appeared on behalf of applicant & statement of claim was not filed. Sh. Vinay Mishra, Chief Personnel Manager, appeared on behalf of M/s. Hindustan Construction Company. None appeared for Site Director. 30.8.2016 was next date fixed for filing statement of claim providing further one more opportunity to the applicant. On 30.8.2016 neither applicant appeared nor filed statement of claim. Sh. Vinay Mishra, Chief Personnel Manager, appeared on behalf of M/s Hindustan Construction Company & objected further extension of opportunity to the applicant. None appeared on behalf of remaining opposite party. It was observed by tribunal that applicant does not appear to be interested in filing statement of claim & objection raised by opposite party is sustainable. Further proceeding for filing statement of claim was accordingly closed & case was reserved for award.

5. It is pertinent to note that reference order dated 18.6.2015 was sent by Ministry to applicant with direction to file statement of claim within 15 days from the date of receipt of reference. Applicant has neither filed statement of claim on the direction of Ministry nor on notice & knowledge of the proceeding pending before the tribunal. It appears that applicant is not interested & willing in submitting the claim for adjudication. In the circumstances & in the absence of material evidence brought on record, tribunal is unable to record the finding on the issues referred to it on merit. Accordingly, “No Claim Award” is passed in this matter. The reference under adjudication is answered accordingly.

6. Award as above.

BHARAT PANDEY, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2016

का.आ. 2054.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स टेलीकॉम डिपार्टमेंट, जोधपुर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर के पंचाट (संदर्भ केस सं. 10/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.09.2016 को प्राप्त हुआ था।

[सं. एल-40012/39/2001-आईआर (डीयू)]

पी. के. वेणगोपाल, डेस्क अधिकारी

New Delhi, the 26th September, 2016

S.O. 2054.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 10/2006) of the Central Government Industrial Tribunal/Labour Court, Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Telecom Department, Jodhpur and their workman, which was received by the Central Government on 26.09.2016.

[No. L-40012/39/2001-IR (DU)]

P. K. VENUGOPAL, Desk Officer

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर

सी.जी.आई.टी. प्रकरण सं. 10/2006

भरत पाण्डेय, पीठासीन अधिकारी

रेफरेन्स नं.—एल—41012/39/2001—आईआर (डीयू) दिनांक 05/12/2005

Shri Rajendra Kumar S/o. Shri Bijai Singh,

Plot No. 10-A, Behind Poka,

Distt.- JODHPUR (Raj.) (Dead on 17-09-2012)

successors- in- interest,

1. Smt. Urmila Dodia W/o. Late Sh. Rajendra Kumar
2. Ravindr Singh Dodia S/o. Late Sh. Rajendra Kumar
3. Nisha Dodia D/o. Late Sh. Rajendra Kumar

v/s

The General Manager,
Telecom Department,
Kamla Nehru Nagar, Near P & T Colony,
JODHPUR (Rajasthan)

प्रार्थी की तरफ से : श्री किशोर कुमार व्यास – एडवोकेट

अप्रार्थी की तरफ से : श्री देवीलाल व्यास – एडवोकेट

पंचाट

दिनांक : 02. 08. 2016

1. केन्द्रीय सरकार द्वारा औद्योगिक विवाद अधिनियम 1947 की धारा 10 की उपधारा 1 खण्ड (घ) के अन्तर्गत दिनांक 05.12.2005 के आदेश से प्रेषित विवाद के आधार पर यह प्रकरण न्यायनिर्णय हेतु संस्थित है। केन्द्रीय सरकार द्वारा प्रेषित विवाद निम्नवत् है :-
2. “Whether the management of General Manager, Telecom Jodhpur in terminating the services of Shri Rajendra Kumar from August,1984 is just and legal ? If not, what relief the workman is entitled and from which date?”
3. याचिका में प्रस्तुत तथ्य के अनुसार संक्षिप्ततः याची का कथन है कि चयनोपरान्त विपक्षी द्वारा प्रार्थी को आदेश संख्या 3993 दिनांकित 15.3.84 द्वारा 9/-(नौ रुपये) दैनिक मजदूरी पर नियोजित किया गया था एवं याची दिनांक 26.3.84 को सेवा में नियोजित किया गया। उक्त आदेश दिनांक 15.3.84 के माध्यम से सात अम्बार्थियों को नियुक्ति प्रदान की गयी थी जिसमें याची का नाम कमांक दो पर अंकित है।
4. नियुक्ति के बाद याची ने दिनांक 27.8.84 तक निरन्तर कार्य किया परन्तु दिनांक 27.8.84 के कार्योपरान्त मौखिक आदेश से प्रार्थी को सेवा से पृथक करने के सम्बन्ध में दिनांक 27.8.84 को ही विपक्ष द्वारा सूचित किया गया। विपक्ष द्वारा प्रार्थी की सेवामुक्ति अकारण, अनुचित एवं नियम विरुद्ध है।

5. विपक्ष ने दिनांक 27.8.84 के कार्योपरान्त प्रार्थी की सेवामुक्ति के पूर्व कोई वरिष्ठता सूची नहीं तैयार की। विपक्ष द्वारा "अन्तिम आवक - प्रथम जावक" के सिद्धान्त का पालन न कर धारा 25 (जी) औद्योगिक विवाद अधिनियम 1947 के प्राविधान का उल्लंघन किया गया, जिसके कारण प्रार्थी की सेवामुक्ति शून्य एवं निष्प्रभावी है क्योंकि आदेश दिनांक 15.3.84 के क्रमांक 5 एवं 7 पर अंकित कमशः श्री जयसिंह और युनुस बेग को निरन्तर सेवा में बनाये रखा गया जो याचिका प्रस्तुति की तिथि को भी कार्यरत है। प्रार्थी की सेवा समाप्ति के बाद अनेक नये अभ्यार्थियों को नियुक्ति प्रदान की गयी जो आज भी विभाग के अधीन कार्यरत हैं जबकि नये अभ्यार्थियों को नियोजन के पूर्व विपक्ष द्वारा प्रार्थी को नियोजन का अवसर प्रदान करना चाहिए, इस प्रकार विपक्ष द्वारा धारा 25 (एच) का भी उल्लंघन किया गया है। विपक्षी विभाग के अधीन कार्य के निरन्तर जारी रहते हुए प्रार्थी की सेवासमाप्ति कानूनी रूप से अनुचित है।

6. प्रार्थी ने विपक्ष से अनेक बार निवेदन किया एवं प्रार्थना पत्र प्रस्तुत किया कि विपक्ष प्रार्थी को पुनः नियोजित कर ले परन्तु ऐसा नहीं किया गया। प्रार्थी द्वारा सेवा के दौरान विपक्ष द्वारा प्रार्थी की नियमित उपस्थिति दर्ज की जाती थी एवं प्रतिमाह वेतन दी जाती थी। प्रार्थी सेवामुक्ति की तिथि से बेरोजगार है। प्रार्थी ने निवेदन किया है कि उसकी दिनांक 27.8.84 को सेवामुक्ति को अवैध घोषित कर सेवा की निरन्तरता एवं अनुगामी सहित उसे सेवा में पुनर्स्थापना का आदेश पारित किया जाय।

7. वादोत्तर में विपक्ष द्वारा याचिका के प्रस्तर 1 लगायत 9 के सम्बन्ध में कहा गया है कि वर्णित तथ्य गलत होने के कारण अस्वीकार है। अतिरिक्त कथन में विपक्ष द्वारा प्रार्थी की याचिका का जवाब प्रस्तुत कर स्वीकार किया गया है कि विपक्ष की मांग पर नियोजन कार्यालय से प्राप्त सूची में याची का नाम भी सम्मिलित था और याची को मार्च 1984 में दैनिक मजदूरी पर कार्य पर रखा गया था एवं प्रार्थी को नियुक्ति पत्र निर्गत किया गया था जिसमें उल्लेख किया गया था,

"This is made clear to the candidates that the employment is not guaranteed as regular and no claim shall be entertained for regular absorption what so ever."

8. आगे यह कथन है कि प्रार्थी का यह कहना गलत है कि मार्च 1984 से अगस्त 1984 तक सेवा लेने के पश्चात बिना कोई कारण बताएं अगले कार्य दिवस को प्रार्थी को कार्य पर नहीं लिया गया एवं सही स्थिति यह है कि प्रार्थी ने मार्च 1984 से अगस्त 1984 तक प्रार्थी ने केवल 130 दिन तक कार्य किया और स्वेच्छा से नौकरी छोड़कर चला गया इसलिये प्रार्थी अनुगामी लाभों सहित पुनः नियोजित होने का हकदार नहीं है।

9. प्रार्थी का यह कहना गलत है कि उससे कनिष्ठ कर्मचारीण श्री जयसिंह और श्री युनुस बेग को निरन्तर सेवा में विपक्ष द्वारा बनाये रखा गया बल्कि इस सम्बन्ध में निवेदन है कि श्री जयसिंह ए.ई.एम./डब्ल्यू प्रोजेक्ट जोधपुर के अधीन तथा श्री युनुस बेग उप मण्डल अधिकारी फोन्स जोधपुर के कार्यालयों में कार्यरत होने एवं 240 दिन से अधिक कार्य करने से नियमित कर उनको नियुक्ति दी गयी थी जो कि प्रार्थी के विभाग, अधीक्षक तारघर जोधपुर से अलग युनिटे थी। दिनांक 01.01.1995 से पूर्व अधीक्षक तारघर जोधपुर कार्यालय अप्रार्थी (महाप्रबन्धक दूरसंचार जिला जोधपुर) के अधीन नहीं आता था। प्रार्थी ने मार्च 1984 से अगस्त 1984 तक केवल 130 दिन तक ही तारघर जोधपुर में कार्य किया। इस प्रकार प्रार्थी अप्रार्थी विभाग से किसी प्रकार के निरन्तर माने जाने व समान रूप से सभी लाभों से पुनः नियोजित होने से कानूनी अधिकारी नहीं है।

10. आगे यह कथन है कि प्रार्थी ने दैनिक मजदूरी का कार्य स्वेच्छया छोड़ा था एवं विपक्ष ने किसी प्रकार प्रार्थी को मनमाने तरीके से कानूनी अधिकार से वंचित नहीं किया है। प्रार्थी ने केवल 130 दिन दैनिक मजदूरी का कार्य किया और उसके बाद स्वेच्छया कार्य छोड़कर चला गया इसलिए प्रार्थी समस्त अनुगामी लाभ सहित पुनः नियोजित होने का अधिकारी नहीं है एवं विभाग द्वारा प्रार्थी के विरुद्ध कोई दमनात्मक कार्यवाही नहीं की गयी है।

11. याचिका के प्रस्तर 7 के जवाब में कहा गया है कि प्रार्थी को विपक्ष ने मौखिक आदेश से नहीं निकाला बल्कि प्रार्थी स्वयं स्वेच्छया कार्य छोड़कर चला गया। प्रार्थी ने बाद में अधीक्षक, तारघर जोधपुर से कोई पत्राचार नहीं किया और नौकरी छोड़ने के 16 वर्ष बाद सितम्बर 2000 में विपक्षी विभाग में बिना किसी कानूनी आधार के सेवा की मांग की जो किसी भी प्रकार कानूनन न्यायोचित नहीं है। श्री जयसिंह एवं युनुस बेग के सम्बन्ध में विशिष्ट रूप से उल्लेख किया गया है कि ये दोनों व्यक्ति दो मिन यूनिटों में कार्यरत थे एवं केन्द्रीय तारघर, जोधपुर में कार्यरत नहीं थे। विपक्ष ने प्रार्थी द्वारा सेवा छोड़ने के बाद नयी नियुक्तियां करना स्वीकार किया है जिसके सम्बन्ध में कहा गया है कि मई सन् 1997 में अनुसूचित जाति, अनुसूचित जनजाति की बैकलांग रिक्तियों के विरुद्ध 24 अभ्यार्थियों की नियुक्ति की गयी थी परन्तु इससे औद्योगिक विवाद अधिनियम के किसी बन्धनकारी प्राविधान का उल्लंघन नहीं किया गया है।

12. प्रस्तर 9 के कथन का प्रबल खण्डन करते हुए यह कहा गया है कि स्वेच्छया कार्य छोड़कर जाने के बाद प्रार्थी ने कभी भी तारघर, जोधपुर से न कोई पत्राचार किया न सम्पर्क किया अतः प्रार्थी किसी प्रकार के अनुतोष का हकदार नहीं है एवं स्वेच्छया कार्य छोड़कर प्रार्थी का जाना और 16 वर्ष के अन्तराल के बाद कार्य मांगना यह दर्शाता है कि कार्य छोड़कर जाने समय प्रार्थी को कार्य की आवश्यकता नहीं थी। अतः प्रार्थी किसी प्रकार का अनुतोष पाने का हकदार नहीं है।

13. जवाबुलजवाब में याचिका के कथन की पुनरावृत्ति कर यह कहा गया है कि प्रार्थी द्वारा स्वतः सेवा छोड़कर चले जाने की बात कपोल कल्पित है एवं प्रार्थी को विभाग ने मौखिक आदेश से दिनांक 27.8.84 को कार्योपरान्त सेवा से पृथक किया। वादोत्तर के प्रस्तर 9 के जवाब में कहा गया है कि सेवा से पृथक किये जाने के बाद जवाबुलजवाब प्रस्तुत करने की तिथि तक प्रार्थी निरन्तर पुनर्नियुक्ति हेतु विपक्षी विभाग का चक्कर लगाता रहा है जिसमें केवल मौखिक आश्वासन दिया गया परन्तु कोई कार्यवाही नहीं की गयी।

14. याची की तरफ से याचिका के समर्थन में शपथ-पत्र साक्ष में प्रस्तुत किया गया है जिनकी प्रतिपरीक्षा विपक्ष द्वारा 27.7.12 को की गयी है। विपक्ष की तरफ से प्रलेखीय साक्ष में अभिलेख प्रदर्श डब्ल्यू-1 लगायत प्रदर्श डब्ल्यू-15 प्रस्तुत किया गया है।

15. विपक्ष की तरफ से अभिलेखीय साक्ष के रूप में अभिलेख Ex. M-1 प्रस्तुत किया गया है। कोई शपथ-पत्र विपक्ष की तरफ से साक्ष में नहीं प्रस्तुत किया गया है।

16. विपक्ष के विरुद्ध दिनांक 17.6.2014 को एकपक्षीय कार्यवाही का आदेश पारित किया गया है। मैंने याची के विद्वान प्रतिनिधि की एकपक्षीय बहस सुनी तथा पत्रावली का सम्यक अवलोकन किया।

17. याची पक्ष की तरफ से बहस के समर्थन में निम्न विधिक दृष्टान्त प्रस्तुत किये गये हैं :-

1. (2010) 3 Supreme Court Cases 192, Harjinder Singh Appellant v/s. Punjab State Warehousing Corporation Respondent

18. जहां तक प्रार्थी श्री राजेन्द्र कुमार की विपक्ष द्वारा सेवा समाप्ति की कार्यवाही उचित एवं विधिसंगत पायेजाने का प्रश्न है इस सन्दर्भ में उल्लेखनीय है कि विपक्ष द्वारा प्रार्थी की नियुक्ति दैनिक मजदूर के रूप में दिनांक 26.3.84 को होना स्वीकार किया गया है और विपक्ष ने प्रार्थी द्वारा 130 दिन सेवा करना भी स्वीकार किया गया है जिसकी पुष्टि प्रदर्श W-1 से होती है। याची ने प्रदर्श W-1 द्वारा नियुक्ति के तथ्य को सिद्ध किया है। प्रदर्श W-1 पोस्ट एवं टेलिग्राफ विभाग द्वारा निर्गत चयन समिति की संस्तुति है जिसमें प्रार्थी को क्रमांक दो पर दर्शाया गया है। कुल सात व्यक्तियों का चयन दैनिक वेतन भोगी मजदूर के पद पर किया गया है। उक्त स्थिति से प्रार्थी की नियुक्ति एवं सेवा में सम्मिलित होने का तथ्य तथा 130 दिन तक की सेवा करना साबित है। उक्त तथ्य से यह प्रकट है कि प्रार्थी द्वारा 240 दिन की सेवा, सेवा समाप्ति के ठीक पूर्व नहीं की गयी है अतः धारा 25 (एफ) औद्योगिक विवाद अधिनियम के प्राविधान का उल्लंघन सिद्ध नहीं होता है।

19. जहां तक विपक्ष द्वारा प्रार्थी की अवैध रूप से सेवा समाप्ति किये जाने का प्रश्न है इस सम्बन्ध में उल्लेखनीय है कि प्रार्थी के विरुद्ध विपक्ष का यह कथन है कि प्रार्थी स्वयं सेवा छोड़कर चला गया इसके विरुद्ध प्रार्थी का कथन है कि 27.3.84 तक उसने कार्य किया और अगले दिन उसे कार्य पर नहीं लिया गया। शपथ-पत्र में प्रार्थी ने कहा है कि बिना किसी वाजिब कारण अगले दिन उसे ड्यूटी पर नहीं लिया गया एवं मौखिक आदेश से सेवा से पृथक करने के सम्बन्ध में सूचित किया गया। प्रार्थी ने इस तथ्य का उल्लेख नहीं किया है कि किस व्यक्ति ने उसे मौखिक आदेश दिया। विपक्ष द्वारा इस बिन्दु पर कोई मौखिक या प्रलेखीय साक्ष नहीं प्रस्तुत किया गया है जिससे इस तथ्य को समर्थन मिले कि प्रार्थी स्वयं सेवा छोड़कर चला गया। प्रतिपरीक्षा में याची ने यह कहा है कि यह सही नहीं है कि दिनांक 27.3.84 को उसने स्वयं काम करना छोड़ दिया। यह भी कहा है कि उसने नौकरी में वापस लिये जाने हेतु विभाग से पत्राचार किया था जो अभिलेख प्रदर्श डब्ल्यू-2 लगायत प्रदर्श डब्ल्यू-7 पत्रावली पर है परन्तु विभाग को इसकी प्राप्ति की रसीद पत्रावली पर नहीं है लेकिन पोस्ट आफिस की रसीद (certificate of posting) प्रार्थी ने पत्रावली पर प्रस्तुत की है। पत्र दिनांक 28.12.84 और 23.12.85 (प्रदर्श डब्ल्यू-4) एवं दिनांक 14.5.86 (प्रदर्श डब्ल्यू-5) की (certificate of posting) प्रार्थी ने पत्रावली पर प्रस्तुत की है। पत्रावली पर पत्राचार से सम्बन्धित उपलब्ध अभिलेखों के अवलोकन से यह जाहिर है कि Ex-W 8, Ex-W 9, Ex-W 10 एवं Ex-W 11 को पंजीकृत डाक से भेजने की रसीद भी प्रार्थी ने पत्रावली पर प्रस्तुत की है। ये पत्र अधीक्षक केन्द्रीय तारघर, जोधपुर सहित विभाग के विभिन्न पदाधिकारीगण को सम्बोधित हैं एवं विभिन्न तारीखों से सम्बन्धित हैं। यह सही है कि विभिन्न स्तरों पर सम्बोधित एवं प्रेषित पत्र उन लोगों को मिले जिन्हे सम्बोधित थे, इससे सम्बन्धित कोई पावती पत्रावली पर नहीं है परन्तु इससे एक तथ्य का समर्थन एवं पुष्टि होती है कि यदि प्रार्थी को स्वेच्छा सेवा छोड़नी होती तो वह सेवा को पाने के लिए विभिन्न समयों पर पत्र न लिखता एवं प्रयासरत न रहता। इससे प्रार्थी के कथन को समर्थन मिलता है कि वह सेवा में रहना चाहता था एवं उसने सेवा स्वेच्छा से नहीं छोड़ी। इसके विरुद्ध विपक्ष के कथन की पुष्टि नहीं होती है कि प्रार्थी स्वेच्छा सेवा छोड़कर चला गया। यहां पर इस तथ्य का उल्लेख महत्वपूर्ण है कि प्रार्थी को सेवा में शामिल होने के लिए एक पत्र दिनांकित 15.2.84 सहायक अधीक्षक प्रभारी, तारघर, औद्योगिक क्षेत्र, जोधपुर द्वारा लिखा गया है जिसमें उसे पत्र की प्राप्ति से सात दिन के अन्दर सेवा में “आकस्मिक मजदूर” के रूप शामिल होने के लिए कहा गया है। उक्त पत्र की फोटोप्रति पत्रावली पर है। इसी पत्र की भाँति प्रार्थी ने अगर सेवा स्वेच्छा से छोड़ी थी तो उसे विभाग द्वारा सेवा समाप्ति का लिखित आदेश भेजना चाहिए था कि निरन्तर बिना अनुमति अनुपस्थिति के कारण उसकी सेवाएं समाप्त की जाती है। ऐसा करने पर प्रार्थी को यह कहने का अवसर नहीं होता कि उसने सेवा स्वेच्छा नहीं छोड़ी बल्कि उसे काम पर 28.3.84 से शामिल नहीं होने दिया गया। प्रार्थी की याचिका के कथन उसके समर्थन में प्रस्तुत शपथ के कथन, प्रतिपरीक्षा, एवं प्रार्थी द्वारा सेवा में वापस आने के प्रयास में निरन्तर लिखे पत्रों के सम्यक अवलोकन एवं सम्बन्धित तथ्य एवं परिस्थितियों के अवलोकन एवं विश्लेषण से मैं इस निष्कर्ष पर हूँ कि प्रार्थी ही स्वयं सेवा छोड़कर चला गया, विपक्ष की इस कथन की पुष्टि नहीं होती है और प्रार्थी यह तथ्य सिद्ध करने में सफल है कि उसने सेवा स्वतः नहीं छोड़ी। इस प्रकार प्रार्थी की सेवामुक्ति अनुचित एवं विधि विरुद्ध है।

20. प्रार्थी के विद्वान अधिवक्ता ने बहस की है कि प्रार्थी की चयन-सूची में प्रार्थी दूसरे नम्बर पर है तथा कुल सात व्यक्तियों का चयन हुआ था इसलिए प्रार्थी की सेवामुक्ति में धारा 25 (जी) का उल्लंघन हुआ है। इसी प्रकार यह बहस भी की गयी है कि प्रार्थी को सेवा से पृथक करने के बाद विपक्ष ने अन्य लोगों की नियुक्ति की परन्तु प्रार्थी को अवसर नहीं दिया गया अतः विपक्ष द्वारा धारा 25 (एच) औद्योगिक विवाद अधिनियम के प्राविधान का भी उल्लंघन किया गया है।

21. प्रार्थी के धारा 25 (जी) के उल्लंघन के कथन के विरुद्ध विपक्ष ने जवाब में यह कहा है कि प्रार्थी ने 130 दिन कार्य करने के बाद स्वतः नौकरी छोड़कर चला गया इसलिए वह अनुगामी लाभों सहित पुनः नियोजन का अधिकारी नहीं है औद्योगिक विवाद अधिनियम की धारा 25 (जी) निम्न प्राविधान प्रदान करती है :-

"धारा 25 छ. छंटनी के लिए प्रक्रिया — जहां कि किसी औद्योगिक स्थापन के किसी ऐसे कर्मकार की, जो भारत का नागरिक है छंटनी की जानी हो और यह उस स्थापन के कर्मकारों के किसी विशिष्ट प्रवर्ग का हो, वहां, तब के सिवाय जबकि नियोजक ऐसे कारणों से, जिन्हें अमिलिखित किया जाएगा, किसी अन्य कर्मकार की छंटनी करता है, नियोजक और कर्मकार के बीच इस नियम हुए किसी करार के अभाव में नियोजक, मामूली तौर से और उस कर्मकार की छंटनी करेगा, जो उस प्रवर्ग में नियोजित किया जाने वाला अन्तिम व्यक्ति हो।"

22. प्रार्थी के शपथ-पत्र के प्रस्तर तीन में धारा 25 (जी) के उल्लंघन का उल्लेख किया है। याची के विद्वान अधिवक्ता की तरफ से बहस की गयी है कि याची ने सेवा समाप्ति की तिथि के ठीक पूर्व 240 दिन तक लगातार सेवा नहीं की है इसके बावजूद प्रार्थी के मामले में धारा 25 (जी) एवं धारा 25 (एच) औद्योगिक विवाद अधिनियम 1947 के प्राविधान लागू होते हैं। इस सन्दर्भ में याची की तरफ से विधिक दृष्टान्त (2010) 3 Supreme Court Cases 192, Harjinder Singh Appellant v/s. Punjab State Warehousing Corporation Respondent अवलम्ब लिया गया है। मैंने उक्त दृष्टान्त का सम्यक् अवलोकन किया है और प्रार्थी पक्ष की बहस में धारा 25 (जी) के सन्दर्भ में वर्तमान मामले के तथ्य एवं परिस्थिति को दृष्टिगत रखते हुए बल है। इस सन्दर्भ में माननीय सर्वोच्च न्यायालय के निर्णय का प्रस्तर 16 प्रासंगिक है जो निम्नवत् है :-

"16. It is true that in the writ petition filed by it, the Corporation did plead that the dispute raised by the appellant was not an industrial dispute because he had not worked continuously for a period of 240 days, the learned Single Judge rightly refused to entertain the same because no such argument was advanced before him and also because that plea is falsified by the averments contained in Para 2 of the reply filed on behalf of the Corporation to the statement of claim wherein it was admitted that the appellant was engaged as work-charge motor mate for construction work on 5-3-1986 and he worked in that capacity and also as work munshi from 3-10-1986 and as mentioned above, even after expiry of the period of three months specified in the order dated 5-2-1987, the appellant continued to work till 5-7-1988 when the first notice of retrenchment was issued by the Managing Director of the Corporation. Therefore, it was not open for the Corporation to contend that the appellant had not completed 240 days' service. Moreover, it is settled law that for attracting the applicability of Section 25-G of the Act, the workman is not required to prove that he had worked for a period of 240 days during twelve calendar months preceding the termination of his service and it is sufficient for him to plead and prove that while effecting retrenchment, the employer violated the rule of "last come first go" without any tangible reason.

23. माननीय सर्वोच्च न्यायालय द्वारा निर्णय के प्रस्तर 16 में प्रदत उक्त विधि व्यवस्था से यह स्पष्ट है कि धारा 25 (जी) का प्राविधान वर्तमान मामले में आकर्षित होता है।

धारा 25 (जी) के उल्लंघन के आक्षेप से बचने के लिए विपक्ष की तरफ से यह आधार भी लिया गया है कि प्रार्थी से कनिष्ठ कर्मचारी श्री जयसिंह एवं श्री युनुस बेग के कमशः ए.इ.एम./डब्ल्यू प्रोजेक्ट, जोधपुर तथा उप मण्डल अधिकारी, फोन्स, जोधपुर के कार्यालयों में कार्यरत होने के कारण एवं उनके द्वारा 240 दिन से अधिक दिन कार्य करने के कारण उन्हें नियमित कर नियुक्त दी गयी थी तथा इन दोनों की सेवा इकाइयों प्रार्थी श्री राजेन्द्र कुमार की सेवा इकाई से भिन्न थी तथा दिनांक 01.10.1995 के पूर्व अधीक्षक तारघर, जोधपुर का कार्यालय महाप्रबन्धक दूरसंचार, जोधपुर के अधीन नहीं आता था। इस सन्दर्भ में उल्लेखनीय है कि श्री राजेन्द्र कुमार के वर्तमान मामले में प्रासंगिक तिथि 28.8.84 है न कि 1.10.95 की तिथि प्रासंगिक है। यह भी उल्लेखनीय है कि कथित सेवा समाप्ति की तिथि दिनांक 28.8.84 को श्री युनुस बेग तथा श्री जयसिंह प्रार्थी श्री राजेन्द्र कुमार से कनिष्ठ थे तथा नियमित नियुक्त नहीं थे एवं सभी की वरिष्ठता सूची एक ही थी। अतः उक्त आधारों को विपक्षी के हित में धारा 25 (जी) के प्राविधान के विरुद्ध बचाव का आधार नहीं बनाया जा सकता है और न ही श्री राजेन्द्र कुमार को धारा 25 (जी) के उल्लंघन के लाभ से वंचित रखा जा सकता है।

24. जहाँ तक धारा 25 (एच) के प्राविधान के लागू होने का प्रश्न है इस धारा में प्रदत्त प्राविधान नियोजन द्वारा "छंटनी" के बाद नये कर्मचारियों के नियोजन के समय छंटनीशुदा कर्मचारियों को नियोजन में वरीयता का प्राविधान प्रदान करती है। सुलभ सन्दर्भ हेतु धारा 25 एच का प्राविधान अंकित किया जा रहा है जो निम्नवत् है :-

"धारा 25-ज. छंटनी किए गए कर्मकारों का पुनः नियोजन -

जहां कि किन्हीं कर्मकारों की छंटनी की जाती है और नियोजक किन्हीं व्यक्तियों को अपने नियोजन में रखने की प्रस्थापना करता है, वहां वह उन छंटनी किए गए कर्मकारों को, जो भारत के नागरिक हैं, ऐसी रीति से, जैसी विहित की जाए, यह अवसर देगा कि पुनः नियोजन के लिए अपने को प्रस्थापित करें और छंटनी किए गए उन कर्मकारों को जो पुनः नियोजन के लिए अपने को प्रस्थापित करें अन्य व्यक्तियों पर अधिमान मिलेगा।"

25. उक्त प्राविधान में यह व्यवस्था है कि यदि किसी कर्मकार की छंटनी की जाती है और उसके बाद नियोजक किन्हीं व्यक्तियों को अपने नियोजन में रखना चाहता है तो ऐसी स्थिति में छंटनी किये गये कर्मकार को पुनः नियोजन का अवसर प्रदान किया जावेगा और यदि छंटनी किया गया कर्मकार पुनर्नियोजन का इच्छुक है तो उसे अन्य व्यक्तियों की तुलना में वरीयता दी जायेगी।

26. वर्तमान मामले में विषक्षी नियोजक द्वारा प्रार्थी की श्रेणी के किसी कर्मचारी की नियुक्ति नहीं की गयी है बल्कि अनुसूचित जाति एवं अनुसूचित जनजाति की backlog रिक्ति पर नियुक्ति की गयी है। प्रार्थी उक्त श्रेणी का कर्मचारी नहीं है और प्रार्थी की श्रेणी का कोई कर्मचारी विषक्ष द्वारा नहीं नियुक्त किया गया है। अतः मैं इस मत का हूँ कि प्रार्थी के मामले की तथ्य एवं परिस्थितियों में यह स्पष्ट है कि धारा 25 (एच) के प्राविधान का उल्लंघन नहीं हुआ है।

27. उक्त व्याख्या एवं विश्लेषण के आधार पर मैं इस निष्कर्ष पर हूँ कि प्रार्थी की सेवामुक्ति अनुचित एवं अवैध है।

28. जहां तक प्रार्थी की अवैध सेवा समाप्ति के कारण सेवा में पुनर्स्थापना का प्रश्न है इस सन्दर्भ में उल्लेखनीय है प्रार्थी की इस मामले के लम्बित रहने के दौरान दिनांक 17.9.2012 को मृत्यु हो गयी है। मुकदमे के लम्बित रहने के दौरान याची की मृत्यु की दशा में माननीय राजस्थान उच्च न्यायालय द्वारा 2001 (2), 128 western Law cases (Raj.), Rajasthan High Court (Jodhpur) D.B., M/s. Rajasthan Co-operative Dairy Federation Ltd.Appellant v/s The Judge Industrial Tribunal & Labour Court, Bikaner..... Respondents. मैं दी गयी विधि व्यवस्था प्रासारिक है। उद्भूत मामले में प्रत्यर्थी श्री करणी सिंह (मृतक दौरान मुकदमा) ने अपनी सेवा समाप्ति के विरुद्ध धारा 25 (एफ) एवं धारा 25 (जी) के उल्लंघन के आधार पर औद्योगिक विवाद उठाया। अपीलार्थी का यह कथन था कि मृतक अपीलार्थी की सम्पत्ति की सुरक्षा के लिए ठेकदार द्वारा नियोजित किया गया था तथा उसकी नियुक्ति अपीलार्थी द्वारा नहीं की गयी थी इसलिए अपीलार्थी करणी सिंह की सेवा समाप्ति से उत्पन्न परिणाम के लिए उत्तरदायी नहीं है, चाहे करणी सिंह की सेवा समाप्ति अवैधानिक ही क्यों न हो क्योंकि सेवा समाप्ति ठेकदार द्वारा की गयी है। श्रम न्यायालय ने अपीलार्थी के उक्त आधार को औद्योगिक विवाद अधिनियम 1947 की धारा 2 (एस) में राजस्थान राज्य द्वारा किये गये संशोधन के आधार पर अमान्य कर दिया जो संशोधन का आधार प्रार्थी श्री करणी सिंह की तरफ से उठाया गया था। मुकदमे के लम्बित रहने के दौरान श्री करणी सिंह की मृत्यु हो जाने के कारण न्यायाधिकरण ने एकमुश्त क्षतिपूर्ति मु. 28,600 रुपये प्रदान की। न्यायाधिकरण के उक्त पंचाट से क्षुब्ध होकर अपीलार्थी ने माननीय उच्च न्यायालय के समक्ष भारतीय संविधान के अनुच्छेद 226 एवं 227 के अन्तर्गत रिट याचिका प्रस्तुत की जिसे माननीय उच्च न्यायालय की एकलपीठ ने निरस्त की। अपीलार्थी ने माननीय एकलपीठ के निर्णय के विरुद्ध माननीय उच्च न्यायालय के समक्ष अपील प्रस्तुत की जिसे माननीय खण्डपीठ ने निरस्त की। निर्णय के प्रस्तर 10 एवं 11 में माननीय खण्डपीठ ने निम्न उल्लेख किया :— "10.Apart from the fact that we are in agreement with the learned single Judge that while exercising the descretion under articles 226 & 227 in entertaining the writ petition to keep the interest of substantial justice as paramount consideration for invoking the extraordinary jurisdiction and discretion has appropriately not been exercised in favour of the petitioner, we do not find any substance on merit of the contention."

11. So far as the Rajasthan is concerned the definition of 'workman' as provide in Section 2(s) of the Act of 1947 was amended by the Rajasthan Act No. 34 of 1958 through its Section 3 w.e.f. 1.7.1960. The definition of workman u/s 2 (s) of the Act of 1947 as applicable in the state of Rajasthan since said amendment included any person employed in any industry by a employer or by a contractor in relation to the execution of his contract with such employer. The case of the appellant is that deceased Karni Singh was employed by a contractor in relation to execution of his contract for maintaining security of the federation's property which contract was between the federation and the contractor. The definition as amended in Rajasthan is clearly to include within the ambit of employees of the establishment also the workman employed by the contractor in execution of the contract undertaken by the contractor for the employer in which category even on the contention of the management, case of Karni Singh would fall."

उक्त विधिक स्थिति से यह स्पष्ट है कि राजस्थान राज्य द्वारा धारा 2 (एस) में संशोधन के आधार पर प्रार्थी करणी सिंह को अपीलार्थी की सेवा में माना गया तथा अपील निरस्त की गयी। सेवा समाप्ति के आदेश के अवैध पाये जाने की अवस्था में सेवा में पुनर्स्थापना सामान्य अनुगामी अनुतोष है परन्तु श्री राजेन्द्र कुमार की मुकदमा लम्बित रहने के दौरान मृत्यु होने के कारण सेवा में पुनर्स्थापना का अनुतोष प्रदान करना व्यवहारिक नहीं है। उक्त तथ्य एवं परिस्थिति में मेरी राय में श्री करणी सिंह के अनुरुप अनुतोष के रूप में समुचित क्षतिपूर्ति की अदायगी उचित एवं विधिसंगत होगी।

29. जहां तक क्षतिपूर्ति की मात्रा के निर्धारण का प्रश्न है याची दैनिक वेतनभोगी कर्मचारी थे जिन्हें 9/- रुपया प्रतिदिन की दर से मजदूरी दी जाती थी और 23 मार्च 84 तथा अगस्त 1984 के मध्य उन्होंने 130 दिन की सेवा की है। याची को दिनांक 28.3.84 से विषक्ष द्वारा सेवा में सम्मिलित होने से रोका गया है अतः याची दिनांक 28.3.84 से अनुतोष का हकदार है। क्षतिपूर्ति के मद में याची को यदि एक मुश्त रुपये 40,000/- (चालीस हजार रुपये) की अदायगी विषक्ष द्वारा की जाय तो इस मामले के तथ्य एवं परिस्थितियों में यह क्षतिपूर्ति की पर्याप्त मात्रा होगी तथा इससे न्यायिक उद्देश्य की पूर्ति हो सकेगी। उक्त व्याख्या व विश्लेषण के आधार पर मैं इस निष्कर्ष पर हूँ कि जनरल मैनेजर टेलिकॉम, जोधपुर के प्रबन्धन द्वारा माह अगस्त सन् 1984 से प्रार्थी श्री राजेन्द्र कुमार की सेवा समाप्ति अनुचित एवं अवैध है। याची पक्ष दिनांक 28.8.84 से क्षतिपूर्ति की धनराशि रुपये 40,000/- (चालीस हजार रुपये) विषक्षी से अनुतोष के रूप में पाने का हकदार है। पंचाट की अधिसूचना की प्राप्ति के दो माह के अन्दर विषक्ष द्वारा क्षतिपूर्ति की धनराशि की अदायगी याची को की जायेगी और ऐसा न करने पर याची पक्ष पंचाट की अधिसूचना की तिथि से 11 प्रतिशत साधारण वार्षिक व्याज की दर से व्याज सहित क्षतिपूर्ति की

धनराशि प्राप्त करने का हकदार होगा। शेष याचित अनुतोष अस्वीकार किये जाते हैं। न्यायनिर्णयन हेतु प्रेषित निर्देश का उत्तर उक्त प्रकार दिया जाता है। पंचाट तदनुसार पारित किया जाता है।

30. पंचाट की प्रतिलिपि केन्द्रीय सरकार को औद्योगिक विवाद अधिनियम 1947 की धारा 17 (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाये।

भरत पाण्डेय, पीठासीन अधिकारी

नई दिल्ली, 27 सितम्बर, 2016

का.आ. 2055.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एचएमटी मशीन टूल लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 10/2016) को प्रकाशित करती है जो केन्द्रीय सरकार को 26.09. 2016 को प्राप्त हुआ था।

[सं. एल-42011/217/2015-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 27th September, 2016

S.O. 2055.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 10/2016) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the HMT Machine Tool Limited and their workman, which was received by the Central Government on 26.09.2016.

[No. L-42011/217/2015-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present: Sri Muralidhar Pradhan, Presiding Officer

Dated the 29th day of August, 2016

INDUSTRIAL DISPUTE I.D. 10/2016

Between:

The General Secretary,
HMT Praga Employees Union,
Regd.No.B-1931, D.No.60-010,
C.I.E. Gandhi Nagar,
Opp IDPL Colony, Balanagar,
Hyderabad – 500 037

...Petitioner

AND

The General Technical Manager (PTH),
HMT Machine Tool Limited, Praga Division,
Hyderabad – 500 37

...Respondent

Appearances:

For the Petitioner : Sri Y. Ranjeeth Reddy, Advocate

For the Respondent : M/s. K. Udaya Sri & P. Sudheer Rao, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-42011/217/2015-IR(DU) dated 4.1.2016 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of HMT Machine Tools Limited and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of HMT Machine Tools Limited Praga Division, Hyderabad by reducing the Transport Allowance from Rs.905/- per month to Rs.800/- per month to the Praga Tools employees is legal and justified? If not to what relief the Praga Tools employees are entitled to?”

The reference is numbered in this Tribunal as I.D. No. 10/2016 and notices were issued to the parties concerned.

2. The case is posted to 7.9.2016 for filing of Claim Statement by the Petitioner union.
3. On 26.8.2016, the case record was advanced on the submission of the counsels for both the sides. The Respondent through his counsel filed a memo stating to pass appropriate Award, in view of the memo filed on behalf of the Respondent.

4. Perused the memo wherein it has been stated that the Petitioner union has raised the dispute challenging the action on the part of the Respondent by reducing the Conveyance/Transport Allowance from Rs. 905/- (Rupees Nine Hundred and Five only) to Rs.800/- (Rupees Eight Hundred only) per month per employee. During pendency of the above proceeding, on 31.7.2016 the Respondent has issued a letter to the General Secretary, Praga Tools Engineering Workers Union (Regd.No. B-6) HMT Machine Tools Limited, Praga Division, Hyderabad (the present recognized union) stating that the competent authority has accorded approval for payment of Rs. 905/- (Rupees Nine Hundred and Five only) per month to all the employees towards Conveyance/Transport Allowance in place of Rs.800/- (Rupees Eight Hundred only) per month, as a special case subject to withdrawal of the pending dispute in ID No.10/2016 before this court. It is stated that in view of the above memo appropriate order be passed recording that the cause of dispute do not survive at present. Copy of the above memo has already been served to the counsel for the Respondent union who received the same without objection.

5. Perused the memo along with the claim statement. Heard both the sides. The case was posted to 29.8.2016 for further orders.

6. The matter was heard in presence of the General Secretary of the Petitioner’s Union and his advocate, so also the representative of the Respondent Sri Neeli Anand, the Dy. Manager HR & S, along with his advocate. The contents of the memo filed by the Respondent dated 26.8.2016 was read over and explained to both the parties, to which they admitted the same to be correct. The Petitioner union filed a memo praying to pass an award considering the memo filed by the Respondent.

7. Both the memos are accepted. In view of the memos filed by both the sides, no dispute is pending between the parties and as such a no dispute Award is passed. Transmit.

Dictated to Smt. P Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 29th day of August, 2016.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 27 सितम्बर, 2016

का.आ. 2056.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डिपार्टमेंट ऑफ टेलीकम्यूनिकेशन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ केस सं. सीजीआईटी/एलसी/आर/22/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.09.2016 को प्राप्त हुआ था।

[सं. एल-40012/405/2000-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 27th September, 2016

S.O. 2056.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. CGIT/LC/R/22/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Department of Telecommunication and their workman, which was received by the Central Government on 26.09.2016.

[No. L-40012/405/2000-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/22/2001

Shri Madanlal S/o Kanhaiyalal,
PO Gavri, Janjali Chouraha,
Govindpura,
Tehsil Raghogarh,
Guna

...Workman

Versus

Chief General Manager,
Dept. of Telecommunication,
Hoshangabad Road,
MP Circle,
Bhopal

Telecom District Engineer,
Guna (MP)

... Management

AWARD

Passed on this 31st day of August, 2016

1. As per letter dated 27-12-00 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-40012/405/2000/IR(DU). The dispute under reference relates to:

“Whether the action of the management of Telecom District Engineer, Guna in terminating Shri Madanlal S/o Kanhaiyalal in the year 1999 is justified? If not, to what relief the workman is entitled?”

2. After receiving reference, notices were issued to the parties. Ist party submitted statement of claim at Page 2/1 to 2/7. Case of Ist party is that he was initially appointed as labour by 2nd party on 23-10-90. He continuously worked as daily wage labour till 31-3-99. His services were terminated without notice. Pay in lieu of notice was also paid to him. He was not paid retrenchment compensation. He worked more than 10 years 5 months. He completed more than 240 days working during each of the calendar year. The seniority list as per Rule 77 was not displayed on notice board by 2nd party. Principle of last come first go was not followed by 2nd party. Termination of his service is illegal.

3. Ist party further submits that since his initial appointment, he completed long service till 10-9-93 as per circular dated 1-11-95 issued by Post and Telegraph Department as per Supreme Court Judgment reported in AIR-1987-SC-2342. He was not absorbed in service. he had requested 2nd party No.2 for regular service. on 23-2-92, he was recommended for regularization in service. 2nd party has not regularized him. Termination of his service by 2nd party is in violation of Section 25-F, G, H of ID Act. On such ground, he prays for reinstatement with backwages.

4. 2nd party filed Written Statement at Page 5/1 to 5/4 opposing claim of Ist party workman. 2nd party submits that Ist party workman was not appointed by 2nd party. Appointing Authority is SDO Telephones. That management of 2nd party has banned appointment of casual labours since 1985. Workman was not appointed on daily wages or muster roll. Workman has not completed 240 days continuous service for petty works, labours on daily wages used to be engaged. They were paid wages as the rate fixed by District Magistrate, Guna. Workman did not work more than 240 days. Violation of Section 25-F,G, H is denied. Compliance of policy of last come first go was not involved for consideration Ist party workman was not sponsored through Employment Exchange. On all such contentions, 2nd party prays that reference be answered in its favour.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of Telecom District Engineer, Guna in terminating Shri Madanlal S/o Kanhaiyalal in the year 1999 is justified?	Ist party workman failed to prove his termination is illegal
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

REASONS

6. The term of reference pertains to legality of termination of services of workman. In his statement of claim, workman has alleged violation of Section 25-F,G,H of ID Act, Rule 77 ID Rules 1957 . Though workman filed affidavit of his evidence, he failed to appear for his cross-examination. Workman died during pendency of proceeding, his LR Shri Govindram is brought on record. He filed affidavit of evidence but he also remained absent for cross examination. His evidence cannot be considered.

7. Management filed affidavit of Shri Gajendra Singh Senger denying workman was engaged by the department or workman completed 240 days continuous service. In his cross-examination, management's witness says presently he is working in BSNL Guna as AGM. Presently he was not acquainted with Ist party. He was not posted at Guna during 1990. As workman has failed to adduce evidence, workman and his LR remained absent for cross-examination, their evidence cannot be considered.

8. Written notes of argument submitted by 1st party along with citations in case between Ashok Kumar Sharma versus Oberoi Flight Services reported in 2010(1)SCC-142 and copies of Award in R/25/01, 26/01 & 42/01 cannot be beneficially applied to present case at hand as there is absolutely no evidence to support claim of 1st party.

9. Learned counsel for 2nd party Shri R.S.Khare also submitted bunch of citations. As workman has not adduced evidence in support of his claim, ratio held in 2013(2)Supreme Court Cases (L&S) 369, 2016(1) Supreme Court Cases (L&S)-186, 2006(4)SCC-1 needs no discussion. For above reasons, I record my finding in Point No.1 that workman has failed to prove that termination of his service is illegal.

10. In the result, award is passed as under:-

- (1) Workman has failed to prove that termination of his service is illegal.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 27 सितम्बर, 2016

का.आ. 2057.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डिपार्टमेंट ऑफ टेलीकम्यूनिकेशन के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ केस सं. सीजीआईटी/एलसी/आर/176/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.09.2016 को प्राप्त हुआ था।

[सं. एल-40012/260/2001-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 27th September, 2016

S.O. 2057.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. CGIT/LC/R/176/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Department of Telecommunication and their workman, which was received by the Central Government on 26.09.2016.

[No. L-40012/260/2001-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR****NO. CGIT/LC/R/176/2001**

Shri Ramprasad Dhakad,
 S/o Shri Daulatsingh Dhakad,
 R/o Mahavirpura,
 Guna

...Workman

Versus

Telecom District Engineer(Phones),
 Guna, Distt. Guna,
 MP.

... Management

AWARDPassed on this 30th day of August 2016

1. As per letter dated 20-11-01 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-40012/260/2001-IR(DU). The dispute under reference relates to:

“Whether the action of the management of TDE(Phones), Distt. Guna in terminating the services of Shri Ramprasad Dhakad S/o Shri Daulatsingh Dhakad w.e.f. February 1997 is justified? If not to what relief the workman is entitled for?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 2/1to 2/3. Case of Ist party workman is that he was initially appointed by Guna in June 1991 as labour on daily wages. He was continuously working till February 1997 without any break. His services were terminated without notice. Salary in lieu of notice was not paid to him, he was also not paid retrenchment compensation, termination of his service is in violation of Section 25-F of ID Act. 2nd party did not obtain permission before termination of his services thereby violated Section 25 N of ID Act. It is further contended that 2nd party had not published seniority list as per Rule 77 Central ID Rules 1957. On such ground, Ist party is praying for reinstatement with backwages.

3. 2nd party filed Written Statement at Page 5/ to 5/2 opposing claim of workman. 2nd party contends that Ist party was not appointed nor terminated by District Engineer, Guna. He was not appointed in June 1991 as labour on daily wages by 2nd party. 2nd party submits factual position that it is not employing labours, drivers etc from 1986 as per policy of the department. No appointment made during the year 1991 to 1997 as per the official record. For petty works, for time being if required non-skilled workers were assigned work for limited period. Ist party must have been engaged for such work. After completion of work, labour was not engaged. Ist party had not completed 240 days service during the year. It is reiterated that as Ist party was not appointed, there is no question of his termination or retrenchment by 2nd party. There is also no question of displaying seniority list as per Rule 77 ID Rules 1957. It is submitted that Ist party is not entitled to any reliefs.

4. Workman died during pendency. His LRs Daulat Ram is brought on record.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) “Whether the action of the management of TDE(Phones), Distt. Guna in terminating the services of Shri Ramprasad Dhakad S/o Shri Daulatsingh Dhakad w.e.f. February 1997 is justified?	Illegal termination of Shri Ram Prasad is not established.
(ii) If not, what relief the workman is entitled to?”	Deceased workman is not entitled to any relief.

REASONS

6. The term of reference pertains to legality of termination of deceased workman in contravention of Section 25-F of ID Act. Workman died during pendency of reference proceeding. Shri Daulat ram Father of deceased workman filed

affidavit of his evidence supporting his contentions in statement of claim. That deceased Ramprasad was his son. In terms of reference, name of deceased workman is written Ram Prasad. Said defect was not pointed out earlier but only at the time of argument. Daulatram in his affidavit further says that his son completed more than 240 days continuous service. service of deceased son was terminated in February 2000 without notice. The term of reference pertains to termination of Shri RamPrasad in February 1997. That deceased workman was not having any source of coming. He was dependent on mercy of relatives and friends. In his cross-examination, he says that Ram Prasad is his son, he died about 4 years back. He was working in telephone exchange, Guna. He further says he doesnot know under which officer, he was working., his son was working since 1971 after intervention by Advocate Salunke, he corrected year as 1991. He claims ignorance whether appointment letter was issued by the department. His son was working as labour since work of laying cable was continued. He was paid at end of month. Evidence on affidavit of Daulatram is not consistent with terms of reference. His evidence is not cogent about in which department, deceased workman was working, appointment letter was not given to him.

7. Management's witness Shri Gajendra Singh Senger filed affidavit denying engagement of deceased workman Ram Prakash in telephone exchange neither he completed 240 days continuous service during any calendar year. Appointment letter was not given to him. In his cross-examination, management's witness says that during year 1991 to 1997, he was posted at GTO at Gwalior. Distance between Gwalior and Guna is 215 Kms. Personally he is not acquainted with workman. Any daily wagers are not engaged at present. Daily wagers were not engaged in department during 1991 to 1997. For work of laying cables, the ditches were made by regular employee of the department. Management's witness further added that such work was carried through contractor's labour as petty work. Officers used to give advance for such work. Attendance register of daily wage employee was maintained till 1985. Muster of daily wager employee was stopped in 1985. He had not seen muster roll. He is not acquainted with Kashiram working in Guna office. He was not posted at Guna office during 1991 to 1997. Evidence of witness of Ist party is not corroborated by any documents, no co-employee is examined as witness.

8. Learned counsel, for Ist party Shri Salunke submitted written notes of argument narrating the facts raising the dispute. Copies of award in R/25/01, R/26/0 are also submitted for consideration. I have carefully gone through both the copies of awards. The evidence of workman was corroborated by evidence and other witness and documents. In present case, workman died during pendency of reference. The affidavit of evidence is filed by his father is absolutely not corroborated by any kind of evidence. Ist party failed to establish that deceased workman was illegally terminated. For reasons discussed above, I record my finding in Point No.1 in Affirmative.

9. In the result, award is passed as under:-

- (1) Ist party failed to prove that deceased workman was illegally terminated.
- (2) Ist party is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 27 सितम्बर, 2016

का.आ. 2058.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डिपार्टमेंट ऑफ टेलीकम्यूनिकेशन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ केस सं. सीजीआईटी/एलसी/आर/94/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.09.2016 को प्राप्त हुआ था।

[सं. एल-40012/54/2000-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 27th September, 2016

S.O. 2058.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. CGIT/LC/R/94/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Department of Telecommunication and their workman, which was received by the Central Government on 26.09.2016.

[No. L-40012/54/2000-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR****NO. CGIT/LC/R/94/2000**

Shri Rajusingh Kushwah,
 Vill & PO Jagar Check, Police Station,
 Sathora, Tehsil Ashok Nagar,
 Guna

...Workman

Versus

Chief General Manager,
 Deptt. Of Telecommunication,
 Hoshangabad Road, MP Circle,
 Bhopal

DET, Deptt. Of Telecom,
 Near Gayathri Mandir, Hanuman Mandir,
 Chouraha, Guna

...Management

AWARDPassed on this 30th day of August, 2016

1. As per letter dated 30-5-00 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No. L-40012/54/2000-IR(DU). The dispute under reference relates to:

“Whether the action of the management of Chief General Manager, Telecom in terminating the services of Shri Rajusingh Kushwah S/o Shri Phool Singh Kushwah w.e.f. December 1998 is justified? If not to what relief the workman is entitled for?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 3/1 to 3/6. Case of Ist party workman is that he was initially appointed in 1989 as Telephone Mechanic on daily wages. He was continuously working till December 1998 without any break. His services were terminated without notice. Salary in lieu of notice was not paid to him, he was also not paid retrenchment compensation, termination of his service is in violation of Section 25-F of ID Act. Seniority list was not displayed on notice board before termination of his services. Principles of last come first go was not followed. That employees engaged subsequent to Ist party were retained in service. that 2nd party not considered case of workman under the scheme bestowing temporary status on casual labours who have completed long service and who have been initially appointed before 10-9-93. Circular dated 1-11-95 issued by department as per the decision of Supreme Court reported in AIR-1987-SC-2342. Government should not engage casual employees for long period. 2nd party did not obtain permission before termination of his services thereby violated Section 25 N of ID Act. That by amendment, workman claimed after termination of his service, he is unemployed. He has borrowed money from his friends and relatives for his survival. On such ground, Ist party is praying for reinstatement with backwages.

3. 2nd party filed Written Statement at Page 6/1 to 6/3 opposing claim of workman. 2nd party contends that Ist party was not appointed nor terminated by District Engineer, Guna. He was not appointed in any post in any department in 1989 by 2nd party. 2nd party submits factual position that it is not employing labours, drivers etc from 1986 as per policy of the department. No appointment made during the year 1985 to 1997 as per the official record. DE, Telephone was the Appointing Authority in 1989. Said post was not created at Guna, no vacancy was published on the workman in 1989. For petty works, department engaged 2 labours after completion of satisfied petty work., their engagement automatically ended. For new work again local office engaged about as per requirement in different stations. The officers made payment to such labours. The rates was fixed by District Magistrate Puna time to time. After completion of work, such labours were not continued. Muster roll was totally stopped since 1985. Any of the labours did not work more than 240 days since 1985. Workman was not appointed by department. There was no question of payment of compensation or issuing notice. There was no question of following principles of last come first go policy. Judgment in AIR-1987-SC-2342 is not applicable in the matter. 2nd party prays reference be answered in its favour.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of Chief General Manager, Telecom in terminating the services of Shri Rajusingh Kushwah S/o Shri Phool Singh Kushwah w.e.f. December 1998 is justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

REASONS

5. The term of reference pertains to legality of termination of services of Ist party workman. Ist party workman filed affidavit of his evidence contending that he was working on daily wages. In 1989, he worked for 9 years. He completed 240 days continuous service. As per circular dated 10-9-93, daily wage employees working for 240 days till 10-9-93 was granted temporary status. His services were terminated in December 98 without notice. He was not paid retrenchment compensation. In his cross-examination, workman says he passed 5th standard. Appointment letter was not given to him, he was not interviewed, his name was not sponsored through Employment Exchange. He was presently working as labour.

6. Management's witness Shri Gajendra Singh Senger filed affidavit denying engagement of workman in telephone exchange neither he completed 240 days continuous service during any calendar year. Appointment letter was not given to him. In his cross-examination, management's witness says that during 1989 to 1999, he was posted at JTO, Gwalior. Distance between Gwalior to Guna is about 215 kms. He doesnot know Phone Mechanic Mr. Aditya Narayan Chourasia. He says that the work of telephone repair was carried by Telephone Mechanic, work of telephone cable fault and digging ditches was carried through petty workers. They were paid wages in the evening. Petty workers were engaged as per exigency. Petty workers were not engaged for months, they were engaged for 2-3 days. Account of payments was maintained in the office. Accounts are retained for 10 years.

7. Though affidavit of Rajendra Prasad is filed, it was not pressed. Management's witness Mahendra Singh Gohariya in affidavit of evidence denied engagement of workman more than 240 days, appointment letter was not issued to him. Said witness also not appeared for cross-examination. Evidence of workman is not corroborated by any documents.

8. Learned counsel, for Ist party Shri Salunke submitted written notes of argument narrating the facts raising the dispute. Copies of award in R/25/01, R/26/0 are also submitted for consideration. I have carefully gone through both the copies of awards. The evidence of workman was corroborated by evidence and other witness and documents. Ist party failed to establish that he was illegally terminated. For reasons discussed above, I record my finding in Point No.1 in Affirmative.

9. In the result, award is passed as under:-

- (1) The action of the management terminating workman is proper and legal.
- (2) Ist party is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 27 सितम्बर, 2016

का.आ. 2059.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डिपार्टमेंट ऑफ टेलीकम्यूनिकेशन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ केस सं. सीजीआईटी/एलसी/आर/111/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.09.2016 को प्राप्त हुआ था।

[सं. एल-40012/71/2001-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 27th September, 2016

S.O. 2059.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. CGIT/LC/R/111/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Department of Telecommunication and their workman, which was received by the Central Government on 26.09.2016.

[No. L-40012/71/2001-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR****NO. CGIT/LC/R/111/2001**

Shri Abdul Maheed, S/o Shri Abdul Wahid,
Dalla Patha, Opp Nizamuddin Madarse,
Guna Cantt. MP

...Workman

Versus

Chief General Manager,
Dept. Of Telecommunication,
Hoshangabad Road, MP Circle,
Bhopal (MP)

...Management

AWARDPassed on this 17th day of August, 2016

1. As per letter dated 31-5-2001 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-40012/71/2001-IR(DU). The dispute under reference relates to:

“ Whether the action of the management of District Engineer, Admn. Guna in terminating the services of Shri Abdul Maheed S/o Shri Abdul Wahid w.e.f. 5-8-2000 is justified? If not, to what relief the workman is entitled for?”

2. After receiving reference, notices were issued to the parties. Ist party submitted statement of claim at Page 2/1 to 2/3. Case of workman is that he was orally engaged on 1-7-78 as LMV Driver on daily wages on sanctioned post. He was paid Rs.1500 per month. During 1-7-98 to 19-2-99, he was driving Jeep No. MP-08-7439 during period 1-7-98 to 19-1-99, Jeep No. MP-08-E-5511 from 20-1-99 to 18-3-99 and Jeep No. MP-08-F-0838 during period 19-3-99 to 4-8-00. That he was working for 15-18 hours. He was paid less than subsistence wages. He could not refuse as he was working on daily wages. On 4-8-00, he was discharged from duty. His services were orally terminated. Without according any opportunity to him, he was not offered re-employment. On Rajiv Kushwah was appointed on March 99 as LMV Driver on daily wages. He was driving Jeep No. MP08-E-5378. He is continued in service after termination of his services. 2nd party failed to prepare seniority list and paste its copy on notice board. Ist party further submits that termination of his service without notice amount to retrenchment. He was not paid one month salary in lieu of notice on such ground, Ist party submits that termination of his service is in violation of Section 25-F,G of ID Act. 2nd party not given opportunity to re-employment to him is in violation of Section 25-F of ID Act. Ist party prays for reinstatement with backwages.

3. 2nd party filed Written Statement opposing claim of workman. 2nd party denied workman was engaged as Driver. It is also denied that workman was paid wages Rs.1500 per month. Ist party workman was not engaged as casual driver. The question of driving the vehicles shown in the statement of claim doesnot arise. There was no question of termination of workman on 4-8-00. The contentions of Ist party about oral appointment are denied. As workman was never engaged, there is no question of giving one month's notice or retrenchment compensation. 2nd party prays for rejection of claim.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of District Engineer, Admn. Guna in terminating the services of Shri Abdul Maheed S/o Shri Abdul Wahid w.e.f. 5-8-2000 is justified?	In Negative
(ii) If not, what relief the workman is entitled to?”	As per final order.

REASONS

5. Point No.1 the term of reference pertains to legality of termination of services of workman. Ist party Abdul filed affidavit of his evidence. He has stated that he was engaged as daily wage Driver on 1-7-78. He was holding licence for

my motor vehicle. He was working as Driver till 4-8-00. He was paid Rs.1500 at end of the month. He completed more than 240 days service in each of the calendar year. His services were terminated on 4-8-00. One Sanjay Kushwah engaged after termination of his service is retained in service. he was not given seniority. Seniority list was not displayed on notice board before termination of his service. he is unemployed. His family is facing hardship. From evidence of workman, documents Exhibit W-1 to 4 are admitted in evidence. Ist party in his cross says original of Exhibit W-2 to W-4 are in the office. When he was returning with the articles, he had secured zerox copies of those documents. He had not taken permission for any officer, post was advertised. Appointment letter was not issued to him. He claims ignorance about process followed for recruitment. He denies that he had never worked in the department.

6. Ist party also examined witness Rahis Khan. In his affidavit, Rahis Khan has stated that Ist party Abdul was engaged on daily wages on 1-7-98 as Driver. He was driving different vehicles MP 08-7439, MP 08-E-5511, MP-08-F-0838 . His services were terminated on 4-9-00. Ist party had worked more than 240 days during each of the calendar year. In his cross, Rahis Khan admits that Ist party had given evidence in reference of dispute raised by him. He denies that therefore he has given false evidence to support claim of workman. He denies that Ist party never worked with the management.

7. 2nd party filed affidavit of evidence of Gajendra Singh supporting contentions of management in Written Statement. That Ist party was never engaged by the management. Ist party had not completed 240 days continuous service in any calendar years. For casual nature of work, there is no provision of payment of retrenchment compensation. In his cross, management's witness says he was posted in Gwalior office during 1998 to 2000. The distance between Guna to Gwalior is 25 Kms. The department was having Vehicles No. vehicles MP 08-7439, MP 08-E-5511, MP-08-F-0838. The management's witness was unable to tell who was driving those vehicle during 1998 to 2000 he denied copies of log book produced by Ist party. Shri Rajiv Kushwah, Sanjay Kushwah was not working as Driver in Guna office.

8. Both parties have adduced evidence. Evidence of Ist party is corroborated by documents Exhibit W-1 application, W-4 copies of log book. The vehicle number is not mentioned in log book, however names of the officers using the vehicles are mentioned. Management's witness has not rebutted entries in log book. When all the three vehicles are owned by management of 2nd party, management's witness was unable to tell who was driving those vehicles. The evidence of Ist party that he was driving those vehicles cannot be discarded. Document Exhibit W-2 is letter for supply of Modi Zerox Fax Machine Model No. 7241. Said letter finds clear reference that zerox machine be handed over to Mohit Khan. Exhibit W-3 is invoice of fax machine. Evidence of management is not corroborated by any documents. The evidence of Ist party corroborated by Rahis Khan and document Exhibit W-4 deserves to be relied. As per document W-4, it is established that workman worked more than 240 days preceding termination of his service. Ist party workman was not served termination notice, retrenchment compensation was not paid to him. Termination of his service is in violation of Section 25-F of ID Act. For above reasons, I record my finding in Point No.1 in Negative.

9. Point No.2 In view of my finding in Point No.1 termination of service of workman is in violation of Section 25-F of ID Act, question remains for decision is whether workman is entitled for reinstatement with backwages.

10. Learned counsel for Ist party Shri N.K.Salunke relies on ratio held in case of

Deepali Gundu Surwase versus Kranti Junior Adhyapak Mahavidyalaya and others reported in 2013(10)SCC-324. Their Lordship dealing with question of reinstatement with backwages etc. on holding termination illegal held conduct of employer and suffering of employee, reinstatement entitles such employee to claim full backwages. Denial of backwages would amount to gross violation of rules of natural justice.

The facts of above cited case are not comparable. In present case, termination of workman is found illegal for violation of Section 25-F of ID Act whereas in above cited case, employee was terminated for certain charges. Tribunal had found action of management fully arbitrary and violative of natural justice.

The question of back wages cannot be considered in isolation from the question of reinstatement. Therefore ratio held in the case cannot be applied to case at hand.

11. Next reliance is placed on ratio held in

Case between Ashok Kumar Sharma versus Oberoi Flight Services reported in 2010(1)SCC-142. Their lordship considering findings respondent having not conducted any enquiry, dismissal of workman without issuing chargesheet or showcause notice held unsustainable. Instead of reinstatement, compensation Rs.60,000 was allowed. The compensation was enhanced to Rs. 2 Lakhs.

Ist party workman in his cross-examination says appointment letter was issued to him, he was engaged on daily wages. Considering the mode of employment on daily wages, reinstatement of Ist party would not be appropriate. As per evidence of Ist party, he worked from 1-7-98 till 4-8-00 for about 2 years in my considered view, compensation Rs.75000/- would be appropriate. Accordingly I record my finding in point No. 2.

12. In the result, award is passed as under:-

- (1) The action of management terminating Ist party workman w.e.f. 5/8/2000 is not proper and legal.
- (2) 2nd party is directed to pay compensation Rs.75,000 to the workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 27 सितम्बर, 2016

का.आ. 2060.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार व्हीकल फैक्ट्री, जबलपुर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ केस सं. सीजीआईटी/एलसी/आर/114/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.09.2016 को प्राप्त हुआ था।

[सं. एल-14012/10/2003-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 27th September, 2016

S.O. 2060.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. CGIT/LC/R/114/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of the Vehicle Factory, Jabalpur and their workman, which was received by the Central Government on 26.09.2016.

[No. L-14012/10/2003-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/114/03

Shri G.K.Tiwari,
S/o Shri C.P.Tiwari,
C/o B.S.Philora, 50,
Shaktinagar, Jabalpur

...Workman

Versus

General Manager,
Vehicle Factory,
Jabalpur

...Management

AWARD

Passed on this 26th day of August 2016

1. As per letter dated 20-6-03 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-14012/10/2003-IR(DU). The dispute under reference relates to:

“Whether the action of the management of General Manager, Vehicle Factory, Jabalpur in awarding the punishment of compulsory retirement w.e.f. 17-2-2001 to Shri G.K.Tiwari S/o Shri C.P.Tiwari Ex Mechanist “C” is justified? If not, to what relief the concerned workman is entitled to?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 2/1 to 2/4. Case of Ist party workman is that he was employed on permanent post of mechanist Grade C since 6-2-76. Considering his efficient service, he was considered for post of mechanist skilled in 1984. That due to sickness of his wife, he had submitted application for 10 days leave. Thereafter he herself fell sick from 11-11-95. After he was declared fit for work, he reported on duty on 7-12-75. The officers did not believe him, he was threatened and sent for medical examination. Due to mental torture, he again fell sick, he consulted Doctor and he was advised for complete

rest for the period 8-12-95 to 28-6-97. Medical Certificates were sent to the management. After recovery from illness, he submitted fitness certificate and reported for duty on 30-6-95. He was allowed to work.

3. That he received memorandum of chargesheet under Rule 14. CCS alleging gross misconduct of remaining absent from 1-11-95 to 28-6-97. He submitted reply to chargesheet denying the misconduct. He submitted the copies of medical certificates to the management. Enquiry Officer was appointed by management for conducting enquiry against him. Enquiry was conducted violating principles of natural justice, not following the settled law while conducting enquiry. Report of Enquiry Officer was received by him at his residence. Enquiry Officer and Presenting Officer has come to his home. He was on bed at that time. Workman submits that the findings of Enquiry Officer are perverse. Without giving the details, punishment of compulsory retirement was imposed against him. Workman submits after the punishment was imposed against him, he is unemployed and leaving in starvation. The punishment is harsh and excessive. He prays for setting aside order of his compulsory retirement.

4. 2nd party filed Written Statement at Page 8/1 to 8/5 opposing claim of workman. 2nd party submits that workman while working as machinist skilled remained absent from duty during the period 1-11-95 to 28-6-97. He had not taken prior sanctioned leave intimated about the reasons for his absence. Workman did not intimate as to whether he was sick or forward any medical certificate certifying that he was unfit for duty on 8-12-95 along with fitness certificate for the period 13-7-95 to 2-12-95. He was referred for 2nd medical opinion by management to factory hospital without taking him on duty as per the prevailing system. Thereafter workman did not report for duty and without intimation remained absent. After lapse of 20 months, workman reported for duty on 30-6-97 along with certificate of fitness from 30-6-97. Workman was again referred to Factory Hospital on 30-6-97 for medical opinion. After his medical examination, he was declared fit and fit to join duty by Medical Officer of Factory Hospital. Accordingly workman was allowed to join duty.

5. Chargesheet was issued to workman on 6-6-97 under Rule 14 of CCS CCA Rule 1965. Chargesheet pertaining to misconduct remaining absent from duty unauthorisely. Workman denied charges, he requested for enquiry. Enquiry Officer was appointed, Presenting Officer was also appointed. Enquiry was conducted allowing reasonable opportunity to management and workman for presenting their case. After Enquiry Officer submitted report to Disciplinary Authority, the charges were established from evidence. Disciplinary Authority found that enquiry conducted against workman according to the procedure following principles of natural justice, the punishment of compulsory retirement was imposed. On 17-2-01, Ist party workman challenged said order in appeal. The appeal was rejected on 1-4-02. 2nd party reiterates workman was given fair opportunity for his defence. The findings of Enquiry Officer are based on evidence in enquiry. Copy of Enquiry Report was supplied to workman by Disciplinary Authority before imposing the punishment. Punishment imposed against workman is commensurate to the gravity of misconduct. It is reiterated that enquiry was conducted following principles of natural justice.

6. As per order dated 17-9-14, enquiry conducted against workman is found legal.

7. Considering pleadings on record and findings on enquiry, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the misconduct alleged against workman is proved from evidence in Enquiry proceedings?	In Affirmative
(ii) Whether the punishment of compulsory retirement imposed against workman is proper and legal?	In Negative
(ii) If not, what relief the workman is entitled to?"	As per final orders.

REASONS

8. Point No.1 – Vide order dated 17-9-14, enquiry conducted against workman is found legal. Whether charges alleged against workman are proved needs to be decided form evidence in Enquiry Proceedings. Statement of Management's witness Shri Shagnu Lal at Page 9/32 to 9/34 of enquiry record shows that said witness was working as UDC. He was doing work of attendance booking. He has produced attendance booking of Shri G.K.Tiwari Ist party workman from 1-11-95 to 9-11-95. He was shown absent. Since 10-11-95 to 30-6-97, he was marked "D". in his further cross examination at Page 9/37, he has explained when intimation about absence was not received, the remark was shown by letter "B". intimation received on the date the remark was made by letter "A" and thereafter the absence was marked by letter "D". the evidence of PWI Shagnu Lal shows workman was absent from 1-11-95 to 20-6-97. One

postcard was received from workman regarding his absence on 0-11-95 as his wife was suffering from illness. The period of absence was not shown in post card. The evidence of Shagnu lal management's witness about absence of Ist party workman during the period 1-11-95 to 30-6-97 is not shattered. From his evidence, it is clear that workman had sent letter explaining his absence on account of illness of his wife. He had not received any information from time office. Management's witness Viswas corroborated evidence of witness No.1 Shagnul that workman was absent from duty during the period 1-11-95 to 28-6-97. During said period, wife of workman was suffering from illness. His evidence about absence of workman from duty during above said period is not shattered. In his explanation, Exhibit M-6 workman has claimed that he had submitted unfit certificate dated 8-12-95 to 7-3-96. In Exhibit M-7, Ist party workman has claimed that if harsh action was taken against him, his family would be sufferer. He prayed for showing mercy. During course of argument, medical certificates Exhibit M-9 to M-13 were brought to my notice in Exhibit M-9, medical certificate issued by Dr. Awasthy, workman was shown suffering from Neuvocirculatory Asthma with Hiper tension. He was advised absence from duty for 4 months from 8-12-95. As per Exhibit M-10, workman was reported suffering from Neuvocirculatory Asthma. He was advised treatment and rest for further 3 months from 8-3-96. In Exhibit M-11, workman was reported suffering from Hyper Tension with Neuvocirculatory Asthma. He was advised treatment and rest for six months from 9-6-96. Vide Exhibit M-12, workman was reported suffering from Hyper Tension with complicated UTI with Neuvocirculatory Asthma. He was advised absence from duty for six months from 9-12-96. Exhibit M-13 workman was found fit for duty but advised light work for three months. All those documents are produced by management shows documents were sent under UPC. However the evidence on record shows workman had submitted Medical Certificate for the entire period Ex. M-9 to Ex.M-13. He had not submitted leave application management has proved Ist party workman remained absent during the period 1-11-95 to 20-6-97. 2nd party has alleged charge that workman not submitted medical unfit certificate within 7 days however cannot be accepted in view of documents Ex.M-9 to Ex.M-13 were proved. For above reasons, I record my finding that charge only w.r.t. workman remaining absent from 1-11-95 to 28-6-97 is prodeced. Accordingly I record my finding in Point No.1.

9. Point No.2 – Workman remained absent from duty during 1-11-95 to 20-6-97. The articles of charge issued to workman also refers to his previous misconduct that Shri G.K.Tiwari was warned two times on 28-12-84, 1-1-91. For similar misconduct, he was imposed penalty of with holding of one increment when next due for one year with cumulative effect on 10-12-81, 7-1-85, 11-1-90, 16-1-90 for his unauthorized absence from duty and reduction in pay by one stage with cumulative effect. No documents are produced by management in that regard. Workman had denied charges against him. As per Exhibit M-2 after workman submitted medical certificate, he was reffered for verification to the Chief Medical Officer. As per Exhibit M-3, Ist party workman had not attended duties after 8-12-95. No evidence has come on record what was result of verification whether workman had appeared or not before Chief Medical Officer. As per my finding on Point No.1 only absence of workman from duty for the period 1-11-95 to 28-6-97 is established as workman failed to submit leave application for above period. I have discussed about the documents about past record of workman are not produced, punishment of compulsory retirement against workman has been imposed without considering the medical certificates submitted by him Ex.M-9 to Ex.M-13. Only for failure of workman to submit application for leave when he had already submitted medical certificates Ex.M-9 to Ex.M-13 punishment of compulsory retirement would not be justified. The evidence of management's witness is silent as to what action was taken after medical certificates Ex.M-9 to Ex.M-13 were received by the management. Chargesheet was issued to the workman for absence from duty. The evidence of Ist party shows he was in employment of 2nd party since 1995. His wife was suffering from illness. Thereafter he was suffering from illness. Evidence of management's witness Shagnu Lal also shows that workman had sent post card explaining his absence from duty. Only for failure of workman, punishment of compulsory retirement shockingly shockingly disproportionate. Documents Exhibit M-14 to M-25 are intimations about enquiry conducted against workman, not much relevant about dealing with question of punishment.

10. Learned counsel for 2nd party Shri P.Shankaran relies on ratio held in case between-

L&T Komatsu Ltd. Versus N.Udayakumar reported in 2008(1)SCC-224. Their Lordship dealing with misconduct of absenteeism and habitual absence held it amounts to gross violation of discipline. Where the workman who had been in the past found guilty of unauthorized absenteeism several times (15 times in the above cited case was a properly conducted departmental enquiry once again found guilty of absence for along period of 105 days in the case. The dismissal from service ought not to have been treated to be harsh and interfered by Labour Court.

The ratio cannot be applied to case at hand, 2nd party management has not produced any document about past adverse service record of workman though it has been mentioned in the article of charge. Ist party workman had sent medical certificates about his illness and post card explaining his absence for illness of his wife. The ratio cannot be applied to present case.

In case of North Eastern Karnataka R.T.Corporation versus Ashappa and another reported in AIR 2006-SC-2164. Their Lordship dealing with proportionality of punishment, misconduct- Bus conductor remained absent not only for period of more than 3 years but also remained unauthorisedly absent on several occasions. Misconduct committed cannot be treated as minor. For running buses, service of conductor is imperative and no employer running a fleet of buses can allow an employee to remain absent for a long time. Punishment of dismissal not disproportionate.

The facts of present case are different. Workman had sent post card explaining his absence for illness of his wife. He also sent medical certificates Exhibit M-9 to M-13. Workman was suffering from illness. While passing order of punishment, Disciplinary Authority did not consider those medical certificates. Therefore ratio held in the case cannot be applied to case at hand.

Though ratio held in above cases cannot be applied to case at hand, it is clear that workman was absent. He not submitted any application for leave and therefore the misconduct of unauthorized absence has been established. However the punishment of compulsory retirement deserves to be modified to withholding 3 increments of Ist party with cumulative effect. Accordingly I record my finding in Point No.2.

11. In the result, award is passed as under:-

- (1) The action of the management is not legal.
- (2) Punishment of compulsory retirement imposed on Ist party workman is modified to punishment of withholding 3 increments with cumulative effect. As workman has already attained age of superannuation, workman be allowed all consequential benefits of salary for the period from order of compulsory retirement dated 17-2-01 till attaining age of superannuation 60 years be paid.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 27 सितम्बर, 2016

का.आ. 2061.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार गन कैरिज फैक्ट्री, जबलपुर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ केस सं. सीजीआईटी/एलसी/आर/178/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.09.2016 को प्राप्त हुआ था।

[सं. एल-14011/42/2000-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 27th September, 2016

S.O. 2061.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. CGIT/LC/R/178/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of the Gun Carriage Factory, Jabalpur and their workman, which was received by the Central Government on 26.09.2016.

[No. L-14011/42/2000-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/178/2000

Shri S.A.Khan,
Mahamantri,
GCF Mazdoor Union,
135/1, Vidyanagar, GCF Estate,
Jabalpur

...Workman

Versus

General Manager,
Gun Carriage Factory,
Jabalpur

...Management

AWARD

Passed on this 16th day of August, 2016

1. As per letter dated 28-9-00 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-14011/42/2000/IR(DU). The dispute under reference relates to:

“Whether the action of the management of Gun Carriage Factory, Jabalpur in promoting Shri Edward Mare to the post of Miller (High Skilled Gr.II) w.e.f. 1-1-98 is justified? If not, to what relief the workman is entitled and from which date?”

2. After receiving reference, notices were issued to the parties. Ist party workman filed statement of claim at Page 3/1 to 3/2. Case of Ist party is vide order dated 3-12-91, Ist party workman was punished. He was reverted in the post of Miller skilled from post of Miller Highly skilled Grade II for 5 years. That after completion of 5 years time, 2nd party employer violating its own order not reposted him to his original post from 3-12-96. 2nd party without considering circumstances of the case not allowing him original post, he was entitled from 3-12-96. No clarification was given by the management for the same. That 2nd party delayed test of Ist party workman for reposting him in his original post is illegal. Ist party further submits that he did not work in the skilled post but all the time he was engaged for the work of Miller highly skilled. Incharge M.M.Section vide order dated 4-9-97 directed that applicant will work under direction of chargeman on machine of Shri Tilak chand T.No.4735 I.E that workman was posted in machine of Shri Tilakchand and worked as highly skilled workman Grade II. He was performing work of highly skilled workman. Management did not change his work. He was continuously doing the work of highly skilled workman Miller. There was no need to take test of workman in above circumstances. For his re-posting to the original post . On above ground, workman claims that he is entitled to promotion to original post from the date when penalty period of 5 years ended. 2nd party management not promoting workman after completion of promotion period of workman 5 years is illegal. The delay in trade test by Board, workman is not responsible. He cannot be penalized for mistake of management. On above contentions, workman is praying promotion to the higher post on seniority including difference of pay and allowances.

3. 2nd party filed Written Statement at Page 7/1 to 7/5 opposing claim of workman. 2nd party submits that workman was caught red handed by Security on 4-11-90 while admitting to smuggle 21 kg of brass from West gate of GCF. Workman was suspended immediately. Chargesheet was issued to workman under Rule 4 of CCS CCA Rules 1965. Workman denied charges against him. Enquiry Officer was appointed as per rules. During enquiry, workman was provided opportunity to cross-examine witnesses and examined himself. He was given opportunity to cross-examine witnesses. From evidence in Enquiry Proceedings, the charges were proved. Enquiry Report was forwarded to workman asking him to submit his written brief. Considering the evidence and reply to Enquiry Report, Disciplinary Authority imposed punishment of revision of Grade of Miller HS-II to Miller Skilled. However it was mentioned in the penalty order that applicant will be considered for promotion after 5 years provided he is found fit. It is reiterated that only after completion of 5 years penalty period, workman was not entitled to promotion to the original post. The punishment order clearly provided that he would be considered for promotion after 5 years provided he is found fit. 2nd party further submits that workman had to pass Trade Test. He cannot claim higher grade as a matter of right. It is frequently seen that for promotion, workman should be found fit. The demand of Union is in violation of SRO 185 of 1994 and penalty order. Merely working under chargeman doesnot restore right to workman for post of higher grade. 2nd party submits that claim of Ist party workman cannot be accepted.

4. As per order dated 18-8-15, enquiry conducted against workman was found legal.

5. Considering pleadings on record and findings on Enquiry, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the charges alleged against workman is proved from evidence in Enquiry proceedings?	In Affirmative
(ii) Whether the punishment of reversion imposed against workman is proper and legal?	In Affirmative
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

REASONS

6. Point No.1- As per order dated 18-8-15, enquiry conducted against workman is found legal. Question remains for consideration whether charges alleged against workman are proved from evidence in Enquiry Proceedings. Charges alleged against workman pertains to attempting to commit theft of 21 brass metals. Record of enquiry is produced at Exhibit M-1 management examined 3 witnesses. Evidence of all 3 management's witness is cogent that Ist party workman was found carrying 21 brass swarf at Western gate carrying 2 bags on his cycle. Management witness No. 1 says that he was told by Nayak that 2 bags of brass were seized from Adward. He did not touch the bag. He was unable to see what was seized in the bag. Evidence of MW-1 Raikwar is corroborated by other witnesses. The scope of judicial review is restricted that the Tribunal cannot re-appreciate the evidence. MW-2 Nayak Subedar joshi has corroborated evidence of Raikwar MW-3 is corroborated by evidence of Raikwar and Joshi. The evidence in Enquiry Proceeding is sufficient to prove charge alleged against workman. For above reasons, I record my finding in Point No.1 in Affirmative.

7. Point No.2- For proved charge of attempt of committing theft, punishment of reversion for 5 years is imposed. The punishment of dismissal or discharge is not imposed against workman. Punishment of reversion against workman for proved charge of attempt to theft cannot be said disproportionate. No interference is called for.

8. In present case, Ist party workman is claiming original post of Miller after completion of reversion of 5 years as per penalty order. Whether said claim of workman could be granted needs to be considered. The order of penalty produced at Annexure M-7 clearly provides that it is further ordered that he will be considered for promotion after 5 years if he is found fit. The order of penalty is clear that workman be considered for promotion after he was found fit. Said condition of order of punishment was not modified therefore claim of Ist party workman for promotion to the original post of Miller cannot be upheld. For reasons discussed above, I record my finding in point No.2 in Affirmative.

9. In the result, award is passed as under:-

- (1) The action of the management is proper and legal.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 28 सितम्बर, 2016

का.आ. 2062.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनाइटेड बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पटना के पंचाट [संदर्भ केस सं. 03 (C) ऑफ 2014] को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.09.2016 को प्राप्त हुआ था।

[सं. एल-12012/19/2012-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 28th September, 2016

S.O. 2062.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. Case No. 3 (C) of 2014] of the Industrial Tribunal, Patna as shown in the Annexure, in the Industrial Dispute between the management of United Bank of India and their workmen, received by the Central Government on 28.09.2016.

[No. L-12012/19/2012-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

Reference Case No. 03 (C) of 2014

59 of 2012

The management of Chief Regional Manager, Bihar Regional Office, United Bank of India, 2nd Floor, Abhay Bhawan Fraser Road, Patna (Bihar)-800001 and their workman Sri Prem Kishore, S/O- Sri Ramanand Singh, Vill+PO-Purushottampur, Dist.- Muzaffarpur, Bihar, Pin-842002.

For the management : Sri Arun Kumar Sinha, Dy. General Manager & Chief Regional Manager

For the workman : himself represent.

Present : Bipin Dutta Pathak, Presiding Officer, Industrial Tribunal, Patna.

AWARD

Patna, dated 19th July, 2016

By notification order No.- L-12012/19/2012-IR(B-II) New Delhi, dated- 30.08.2012 Govt. of India,// Bharat Sarkar Ministry of Labour/Shram Mantralaya, New Delhi referred under clause (d) of sub-section (1) and sub-section (2A) of section-10 of the Industrial Dispute Act, 1947 (hereinafter to be referred to as ‘ the Act ’) the following dispute between **The management of Chief Regional Manager, Bihar Regional Office, United Bank of India, IIInd Floor, Abhay Bhawan Fraser Road, Patna (Bihar)-800001 and their workman Sri Prem Kishore, S/O- Sri Ramanand Singh, Vill + PO-Purushottampur, Dist.- Muzaffarpur, Bihar, Pin-842002** for adjudication to the Cent. Govt. Indus. Tribunal-cum-Labour Court No.-2, Dhanbad. However, in the light of L-12012/19/2012-IR(B-II) New Delhi, dated- 13.03.2014 Govt. of India,// Bharat Sarkar Ministry of Labour/Shram Mantralaya, New Delhi, and the Cent. Govt. Indus. Ttribunal-cum-Labour Court No.-2, Dhanbad transferred the Reference case No.-59 of 2012 vide letter No.- LCT 1/2010/346 dated- 16th July, 2014 to State Industrial Tribunal, Patna.

SCHEUDLE

“ Whether the action of the management of United Bank of India in terminating the services of Sh. Prem Kishore S/O- Sri Ramanand Singh w.e.f. 20.01.2009 without adhering the provision of ID Act, 1947, is legal and justified? Whether the demand of Sh. Prem Kishore for regularization and payment of due wages is just and proper? What relief the workman is entitled to?”

2. Prior to corrigendum dated- 23.05.2013 the case was referred to CGIT No.-2 Dhanbad with the terms of reference.

Corrigendum dated- 23.05.2013

In partial modification of this Ministry’s Order of even number dated-30.08.2012 the disputed party is amended at serial

No. *2 & *3 as under:-

“The Chief Regional Manager,
Bihar Regional Office,
United Bank of India,
IIInd Floor, Abhay Bhawan, Fraser Road,
Patna-800001.”

Shri Prem Kishore
S/O-Sri Ramanand Singh,
Vill + Purushottampur,
Dist.-Muzaffarpur,
Bihar, Pin-842002

The Adjudication Order was issued vide this Ministry’s letter dated- 30.08.2012 to CGIT-cum-Labour court, Dhanbad. The disputed party was as under:-

The Zonal Manager,
United Bank of India, 2nd Floor
Block-B, Maurya Lok Complex,
Dak Bunglow Road,
Patna (Bihar)-800001

Shri Prem Kishore
S/O-Sri Ramanand Singh,
Vill + Purushottampur,
Dist.-Muzaffarpur,
Bihar, Pin-842002

3. Written statement has been filed on behalf of the workman in this case. It has been stated that in para-2 of written statement of workman that management bank stated incorrectly that workman had never worked with the bank and there is no dues of salary of workman and as such denied the claim of workman.

Prem Kishore (workman) come to know that one post of sub-staff is vacant in United Bank of India, Purushottampur branch from the notice pasted on the notice board of the bank. He applied for the post and after interview he was selected to work on the post of daily rated sub-staff of the aforesaid branch for doing the work of said branch of the bank on and from 09.03.2005. No appointment letter was issued to him. He worked as daily rated sub-staff for the period 02.04.2005 to 19.04.2005, and thereafter. Period stated by him in para-5 of written statement. He had worked in the bank as permanent sub-staff Mr. Upendra Mishra was on leave. In the year 2007 he worked from 11.07.2007 to 01.08.2007, Upendra Mihara was promoted to clerk post. From 02.08.2007 to 19.01.2009 he had (Prem Kishore) continuously worked against the vacant sanctioned post of sub-staff as Upendra Mishra was relieved to join new post at Mohali on 01.08.2007. On 20.01.2009 when he reported his duty to the bank. Branch Manager orally terminated his service. No termination letter was given to him. In January, 2008 Chief Manager inspected Purushottampur branch and again there was interview of workman on confirmation on the post of permanent vacant sub-staff, then branch manager sent a letter dated- 16.02.2008 for the approval of Chief Manager but management kept mum. He was initially appointed on Rs. 25/- per day which was increased from time to time upto Rs. 70/- per day. He

performed duties of peon (Daftari grade-4) and other duties. Separate duties register used to be maintained for him. Workman claimed to regularise on vacant post of sanctioned permanent post due to transfer of Mr. Upendra Mishra since 09.03.2005 to 19.01.2009, much more than 240 days.

4. Management has filed written statement stating therein that reference is without and / or in excess of jurisdiction and suffer from error apparent from records. Management does not admit any of contrary allegation made in paragraphs- 1 to 40 of the statement of claim of the disputant alleged workmen. It has been stated that Mr Prem Kishore is not a “ workman” and is not an employee of the management bank and not competent to raise instant dispute. He was never employed by the bank vide letter No.- RO/BR/82/2009 dated- 18.02.2009 has intimated him. He had deployed his diesel generator set on rent for the purpose of emergency power supply to the bank in case of power failure. Bank never offered any employment to disputant at any point of time and question of his retrenchment does not arise. Bank never issued any appointment letter. It has been stated that no recruitment / appointment shall be made dehors recruitment rule.

Bank had made full and final payment to Mr. Prem Kishore for the occasional work of sanitation if any, or any other work of similar nature done by him in case of exigencies of the said branch. So these payment made out random basis. Bank denied constitutional engagement continuously for period of 240 days in a calendar year. Mr. Prem Kishore has moved in writ petition which was dismissed. Mr. Prem Kishore has no right to ask for the appointment.

5. Rejoinder to written statement of the management has been filed by the workman.

6. One witness has been examined on behalf of the management and two witness has been examined on behalf of the workman and some documents has been Extd. The evidence and document is hereby considered in finding.

FINDINGS

7. M.W-1 is Arun Kumar Sinha presently posted as Chief Manager, Patna Regional Office, Patna. He has stated that in his oath that Prem Kishore has never been employed by the bank and as such employer-employee relationship between the bank and him does not exist and this facts his duly intimated vide letter No. RO/BR/82/2009 dated- 18.02.2009.

It has been further stated that Mr. Prem Kishore had deployed his diesel generator set on rent for the purpose of emergency power supply to the bank, Purushottampur Branch in case of power failure as per the terms of condition of the agreement reached between the bank as lesses Mr. Prem Kishore as lessor. Agreement was renewed from time to time and it was duly paid as per terms and conditions. Under no circumstances, a person can sign agreement with bank if he is indeed, under permanent/temporary employment of nationalized bank in violation of service conditions as applicable on its workmen. Bank never offered any employment to him. In absence of any such employer-employee relationship the question of retrenchment does not arise. Never appointment letter was issued to him. Any appointment can only be offered for a public post following a due recruitment procedure. He is not a workman and he is mere provider of service of his diesel generator. Bank had made full and final payment to him for occasional work of sanitation if any, or other work of similar nature done by him in case of exigencies. It has been denied that he has been continuously engaged / worked for a period of 240 days in a calendar year. Prem Kishore filed writ petition which was dismissed.

Two letters Ext.-M and M/1 has been Extd. by this witness one letter has been issued by public information officer of Regional Office of the bank. Another letter has been issued by Assistant General Manager of the bank.

In cross-examination he has stated that he never worked in Purushottampur Branch. He is appearing as a witness as General Manager personal and administration. He learnt from the records about the facts of this case. Prem Kishore was running generator in the bank and occasional he did some repair work as labourer. Payment was made to him. Seldom cleaning work was taken from him. Occasionally payment was made @ Rs. 50-60 per day according to merit of the work. This witness has stated tht he does not know whether daftari was posted in the year 2007 in Purushottampur Branch or not, but sub-staff was posted there. He denied that at that time sub-staff was not posted there. He also denied that when sub-staff was not posted then Prem Kishore worked as sub-staff. This witness identified vouchers, conveyance sanitation charge, generator charge, meeting charge which are in one 165 pages marked as Ext.-W. He has stated that on vouchers there is no signature of the person who received payment but name has been mentioned. This witness also identified photo stat of token register of cash payment which are from page 169 to 712 marked as Ext.-W/1. He has also identified photo stat of pass book register which is Ext.-W/2 which is from page 713 to 766. This witness also identified photo stat of peon book which has been marked as Ext.-W/3 containing as page 768 to 776. He has also identified photo stat of account opening cum delivery register which has been marked as Ext.-W/4. This witness has stated that letter No.- POP/Misc./109 can not be read this has been marked as X for identification and another letter has been written by Chief Manager to Head Office marked as ext.-W/5 and it has been mentioned that Purushottampur Branch is running without sub-staff.

In further cross-examination it has been stated that vouchers of full and final payment of Prem Kishore has not been filed by the management. But Prem Kishore has filed so many vouchers in regard to payment. He has further stated that Prem Kishore has worked occasionally for which payment was made to him. He used to remain present in bank for running the generator and seldom he used to go to post office, to do cleaning work etc. He has also stated that daftari was not posted in Purushottampur Branch because it was very small branch.

8. W.W-1 Prem Kishore has been examined on behalf of the workman himself. Who stated that he is worker in his case and raised the dispute. Further he has stated that he has seen notice in the year 2005 plated on the notice board of United Bank of India, Purushottampur Branch for the post of daftari and he applied for the post. After interview he was appointed as daily wages workers and appointment letter was not given to him. Branch Manager used to take work from him only on the dates when permanent employee Upendra Mishra remained on leave. Work was taken from him as daily wages. Worker and he was paid Rs. 25/- per day. Which was increased upto Rs. 70/- per day. In the year 2007 when Upendra Mishra went to Kolkatta for training due to his promotion then this witness worked as daftari from 01.07.2007 to 01.08.2007, he also used to do regularly other works in the branch. Upendra Mishra was relieved from Purushottampur Branch w.e.f 01.08.2007 to join in Mohali branch. Then he regularly worked on the post of daftari from 02.08.2007 to 19.01.2009. On 20.01.2009 when he went branch then the branch manager Sri Ashok Kumar Jha orally told him not to work and also told that there is no need for him to work in the branch. No reason was stated for this. Till 20.01.2009 he worked regularly for four (4) years. Since he regularly demanded prodata salary for the period from 01.09.2008 to 19.01.2009 which was used to be paid to Sri Upendra Mishra (daftari), then salary was not paid to him. He made complaint to superior officer. Nature of work has been stated by him. In January 2008 when the then Chief Manager Sri P.N.Sinha had arrived in branch then directed the then branch manager Sri A. K. Sinha to send letter to Regional Office for making his service in permanent and then branch manager sent letter on 16.02.2008. He used to make attendance on separate register and payment was made as head P/L conveyance. P/L Sanitation, P/L remittance, etc. His service was bank service. His service was unblemish. He is unemployed. He worked for more than 250 days in a year.

In cross-examination he has stated that he has not filed the notice for appointment. He has also not filed copy of his application of appointment. Call letter was not given to him for interview. His interview was taken by branch manager and one another officer and cashier. He was appointed orally. Result of interview was not filed. He does not remember for the month but interview was taken in of 2005. Agreement for running generator is of some other place which has been filed for example that service of generator operator was regularised. Further he has stated Purushottampur Branch generator is running since the year 2004 and agreement for running generator in name of P.K. Electronic and he is owner of P.K. Electric.

Next witness on behalf of the workman is W.W-2 (Ram Sawarath Rai). Who is stated that he is acquainted with Prem Kishore and he has seen him working in United Bank of India of Purushottampur Branch from the year 2005 to 2009. He has seen him operating computer and doing other work. He has identified token register marked as exhibit. He has also identified pass book in writing of Prem Kishore.

In cross-examination he has stated that he retired from the service of Military and he is getting pension from United Bank of India Purushottampur Branch. He is getting pension from bank since 2002. He used to go bank one or twice in a months.

9. Two documents has been Extd on behalf of the management one Ext.-M is the letter given to Prem Kishore by the bank in which the management bank informed him that Prem Kishore was not engaged as daily wages worker. Further it has been stated that since generator of Prem Kishore is being run in Purushottampur Branch as such Prem Kishore used to go in the branch and during that period if branch has taken any other work for cleaning etc from him then appropriate payment was made to him. Ext.- M/1 is the letter given to Assistant Labour Commissioner (C) Patna from the management stating therein that claim of Prem Kishore is false, fabricated and misconceived.

10. Documents Extd on behalf of the workman. One document sent to the Chief Regional Manager of the bank on 21.06.2000(Annexure-A) by the branch in which it has been stated that claim of Prem Kishore regarding payment of dues on bank is false fabricated and bears not truth. Ext.-W is the letter sent to Sri Prem Kishore along with enclosure of vouchers, total vouchers 165 is attached. This vouchers relates to payment for different heads and no inference can be drawn in favour of workman. Ext.-W/1 is the photo copies of the token register is submitted to Assistant Labour Commissioner (C) and total page is 712. Ext.-W/2 is the photo stat of peon book total page 713 to 776 and Ext.- W/3 is also photo stat of peon book total page is 768 to 776 and Ext.-W/4 is the photo stat of account open total page is 777 to 800. Ext.-W/5 is the photo stat of letter dated- 02.07.2009. From this Exts it appears that Chief Regional Manager has sent letter to Chief Manager (D & IR) stating therein that Purushottampur Branch of the bank was running without any sub-staff since 2007. After the promotion Sri Upendra Mishra sub-staff. Prem Kishore complainant provided power supply to Purushottampur Branch through his generator. For which he remains in branch. As such there was no sub-staff in the branch so his services were utilized for different purposes since August 2007 for which he was paid too &

his claim of dues is false. From perusal of vouchers through which payment was made to Mr. Prem Kishore it revealed that different P/L accounts like Sanitation, Conveyance etc were debited to make payment to Sri Prem Kishore. It worthwhile to mentioned that on one hand Sri Prem Kishore has claimed that who has worked in the branch from the period 09.03.2005 to 20.01.2009. Vide his complaint letter dated-13.04.2009 and the other hand he had mentioned in his earlier complaint letter dt- 02.01.2009 that he was engaged on daily wages workers since 11.07.2009. It is to be noted further that Sri Prem Kishore had never been continuously engaged. Ext.-W/6 is the agreement for generator and a part of Ext.-W/6 has been filed to demonstrate that call letter for interview was sent to one another candidates Ramanand Singh who is canteen boy. Who is appointed as sub-staff in the same rank. Ext.-W/7 is complain before Assistant Labour Commissioner (C). Ext.-W/8 cant not be read. Ext.-W/9 is the letter sent Prem Kishore to Chief Regional Manager for payment of dues wages. Ext.-W/10 is cant not be read. Ext.-W/11 is the photo stat of pass book of one Ram Swarath Ray. Ext.-W/11 & 12 is not relevant to decide this case.

11. Two sets of written argument has been filed on behalf of the workman in which he has stated that he is working since 09.03.2005 when permanent Daftari Sri Upendra Mishra used to go on leave. It has also been stated that notice was pasted on the notice board in the year 2005 and he applied and after interview he was selected. The said Upendra Mishra was relieved from the branch on 02.08.2007 to join at Mohali branch and since then this workman continuously worked till 19.01.2009. He was assured by the then branch manager that he will be made permanent. Then joining letter has been issued. His wages was stopped from September 2008 and orally he was terminated on 20.01.2009.

Further statement is that he has worked more than 240 days in one calendar year prior to his termination. One decision of writ petition of Hon'ble High Court Gohati has been referred in W.A. In which direction was given to prepare a list of casual workmen and to make fresh recruitment on any regular vacancy.

Details written argument has been filed on 12.05.2015 and some decision of apex court in Civil Appeal No.- 3190 of 2011 (Devinder Singh Vs Municipal Council, Sanaur) (ii) Civil Appeal No.- 6950 of 2009 (Tamilnadu Terminated Full Time Temporary L.I.C Employee Association Vs LIC of India and others has been referred.

12. Written argument has also been filed on behalf of the management. Denial of the management is same as stated in written statement.

The case of the management is that Prem Kishore is not a workman. He has never been employed. Prem Kishore has deployed his diesel generator set for the purpose of power supply to our branch of the bank. and supply. Bank has made full final payment to Prem Kishore for occasional work of sanitation if any, or any other work of similar nature done by him in case of exigencies of the said branch. These payments made on random basis must not be confused from engagement on daily basis. This is own admission of the management, so apart from operating generator Prem Kishore has done some other work of the branch. Management has not stated in details for how many days such work were taken and what amount were paid to Prem Kishore, decision in Criminal Appeal No.- 2054 of 2010 (National aviation Company of India Vs State of Assam has been placed on record in which National Aviation Company has stated that services of 27 employees will not be disposed with and they will be regularised in phase manner. On that ground Criminal Proceeding was quashed. In view of decision report in AIR 2010 SC 1236 burden of proof was on the employer to prove that workman did not complete 240 days of service in requisite period to constitute continuous service. From letter marked X it appears that when ever there was necessity management used to engage including Prem Kishore for arranging record, filling and other sanitation work and they used to be paid for there work. From Ext.-W/5 it appears that Purushottampur Branch running without any sub-staff since August 2007 after the promotion of Sri Upendra Mishra sub-staff. Prem Kishore provided power supply to our branch through his own generator for which he remain in the branch. As such since there was no sub-staff in the branch so his service were utilized for different purpose since August 2007 for which he was paid too & his claim dues is false. Payment was made through vouchers. From different P/L account like sanitation, conveyance, Remittance, Postage Services charge were debited to make payment to Sri Prem Kishore and Prem Kishore claimed that he has worked in the branch from 09.03.2005 to 02.01.2009. He was engaged on daily wages worker since 11.07.2007. This letter is dated- 03.06.2009 as such Prem Kishore worked in the branch since 11.07.2007 to the date of sending this letter which is dated- 06.03.2009. Even from Ext.- W/6 it appears that in same bank interview was taken from canteen boy namely Ramanand Singh and he was appointed as sub-staff under absorbtion of canteen boy as sub-staff in this circumstances management has no option but to appoint this workman Prem Kishore as sub-staff in the bank. This facts has been established from the Ext.s as stated and bank failed to discharged his burden that Prem Kishore did not work in the bank in continuous service as daily wager not for 240 days in one calendar year. Moreover, in view of the decision of Hon'ble Supreme Court in case of H.S. Rajshekhar Vs State Bank of Mysore and another and Hon'ble SC has express the view in para-5 “ It is therefore clear that for related matter the terms “ calendar year “ and block of months are it would be sufficient if the petitioner could establish that he had rendered more than 240 days service in a block of 12 months. In the facts and the circumstances it is apparent that action of the management of United Bank of India in terminating the services of Sh. Prem Kishore S/O- Sri Ramanand Singh w.e.f. 20.01.2009 without adhering the provision of ID Act, 1947, is not legal and justified.

Demand of Prem Kishore for regularisation and payment of dues wages is just and proper and for that relief workman is entitled to get regularisation since workman was working against vacant permanent post of sub-staff so management is directed to regularise the workman as sub-staff immediately. Since workman was also operating generator so back wages is not given to him.

This is my award accordingly.

Dictated & Corrected by me.

BIPIN DUTTA PATHAK, Presiding Officer

नई दिल्ली, 28 सितम्बर, 2016

का.आ. 2063.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में ओद्योगिक अधिकरण, पटना के पंचाट [संदर्भ केस सं. 19 (C) ऑफ 2014] को प्रकाशित करती है जो केन्द्रीय सरकार को 28.09.2016 को प्राप्त हुआ था।

[सं. एल-12011/37/2014-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 28th September, 2016

S.O. 2063.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. Case No. 19 (C) of 2014] of the Industrial Tribunal, Patna as shown in the Annexure in the Industrial Dispute between the management of Allahabad Bank and their workmen, received by the Central Government on 28.09.2016.

[No. L-12011/37/2014-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

Reference Case No. 19 (C) of 2014

35 of 2014

The management of Assistant General Manager, Allahabad Bank, Zonal Office, Om Shanti Complex, P.O Ramna, Distt. Muzaffarnagar and Their workman Yogendra Mehtar represented through the General Secretary, Allahabad Bank Karamchari Sangh, Bihar-Jharkhand), C/O- Allahabad Bank, Patna, (Bihar)-5.

For the management : Sri Onkar Nath Sharma, Senior Manager, (Law)

For the workman : Sri B. Prasad, President, Bank Employees Federation, Bihar

Present : Bipin Dutta Pathak, Presiding Officer, Industrial Tribunal, Patna.

AWARD

Patna, dated 27th June, 2016

By notification order No.- L-12011/37/2014-IR(B-II) New Delhi, dated- 11.08.2014 Govt. of India,// Bharat Sarkar Ministry of Labour/Shram Mantralaya, New Delhi referred under clause (d) of sub-section (1) and sub-section (2A) of section-10 of the Industrial Dispute Act, 1947 (hereinafter to be referred to as ‘ the Act ‘) the following dispute between **The management of Assistant General Manager, Allahabad Bank, Zonal Office, Om Shanti Complex, P.O Ramna, Distt. Muzaffarnagar and Their workman represented through the General Secretary, Allahabad Bank Karamchari Sangh, (Bihar-Jharkhand), C/O- Allahabad Bank, Patna, (Bihar)-5** for adjudication to the Cent. Govt. Indus. Ttribunal-cum-Labour Court No.-2, Dhanbad. However, in the light of Govt. of India,// Bharat Sarkar Ministry of Labour/Shram Mantralaya, New Delhi, letter vide order No.- Z-25025/4/2014-CLS-II dated- 07th May, 2014 the Cent. Govt. Indus. Ttribunal-cum-Labour Court No.-2, Dhanbad transferred this Industrial Dispute vide letter No.- LCT 1/2014/900 dated- 15 September, 2014 to State Industrial Tribunal, Patna.

SCHEDULE

“ Whether the action of the management of Allahabad bank to propose the punishment of Removal from service to Sri Yogendra Mehtar was proportionate? If not, what relief the workman was entitled to?”

2. Prior to corrigendum dated- 11.08.2014 the case was referred to CGIT No.-2 Dhanbad with the terms of reference which are as follows:-

Corrigendum dated- 11.08.2014

“Whether the action of the management of Allahabad bank in removing the workman Sri Yogendra Mehtar, Part-time Sweeper from the services of the Bank is legal and justified? What relief the workman is entitled to?”

3. Statement of claim has been filed on behalf of the workman Yogendra Meshtar stating therein that he was offered the post of part time sweeper on 1/3 scale wages of a full time subordinate staff vide letter dated-29.10.2005. He joined the services of Allahabad Bank at Akhta Branch, Dist.- Sitamarhi as a Part-time Sweeper on 11.11.2005. As per terms and conditions of the appointment letter he was confirmed in the services of the Bank after expiry of the probation period of six months. All of a sudden, on 13.09.2006 he was issued a show cause notice dated- 13.09.2006 which was replied by him on 25.09.2006. After a period of about 6 years charge sheet was issued on 13.07.2012 which was properly replied by him on 30.07.2012. Disciplinary authority being not satisfied with reply of the workman, decided to hold domestic enquiry and for that enquiry officer, and presenting officer were appointed.

Enquiry report was submitted. Thereafter disciplinary authority agreed with the perverse finding of enquiry officer and imposed the punishment “ Removal from service with superannuation benefit and without disqualification from future employment,” thereafter dispute was referred here.

4. Preliminary objection has been filed on behalf of the management stating therein that disciplinary authority who is quasi judicial authority, has followed all rules and procedures as laid down in the memorandum of settlement dated- 10th April, 2002 which governs the disciplinary proceedings of the workmen employee. It has been stated that workman was expected to conform to the highest standard of honesty and integrity and even minor doubt on the character of employee warrants stiff punishment.

As per service condition Yogendra Meshtar was to be confirmed after 6 months of his service. It was mentioned in appointment letter dated- 29.10.2005 that “ your confirmation to the permanent establishment of the bank on 1/3rd basis will be considered provided your work and conduct are found to be satisfactory in the interim.” But bank received a chain of complaints immediately after his appointment claiming that he has got an appointment by cheating the bank, by hiding his educational qualification. The Zonal Office, Muzaffarpur vide letter no.- ZO/MZ/PA/364 dated- 16.05.2006 requested for confirmation of the allegation of matriculation pass from the Secretary, Bihar School Examination Board, Patna. After follow up the Principal, Mahant Shree Ayodhya Ramanuja Uchh Vidyalaya, Rewasi, Sitamarhi vide letter no.- 63 dt- 05.09.2006 confirmed that Sri Meshtar had passed the Matriculation examination in the year 1995. Show-cause notice was issued to Sri Meshtar which was replied and departmental proceeding was contemplated against him. There was no question to make him confirm/permanent in the bank service. Enquiry was conducted and enquiry report was supplied to Sri Meshtar along with second show cause and on the matter of proposed punishment, hearing was done thereafter punishment has been given.

It appears that charge sheet was issued to Sri Yogendra Meshtar on 13.07.2012 stating therein, while applying for the post of Part Time Sweeper in Akhta Branch he has submitted wrong information and concealed the fact in order to procure employment in the bank. He has committed the following acts of omission & commission.

- (i) He has submitted application for appointment as part-time sweeper on 14.11.2005 in which you had mentioned the qualification as class 7th passed. He had also enclosed a certificate of Rajkiya Madhya Vidyalaya, Rewasi in support of educational qualification.
- (ii) He had passed class 10th from Mahant Sri Ayodhya Ramanuj Uchh Vidyalaya, Rewasi in the year 1995 but you had deliberately suppressed the fact at the time of appointment in the year 2005 and given false declaration on the application in order to procure employment with the bank.

It appears that in departmental enquiry workman was found guilty and he was removed from service. Matter was heard on the point of fairness of domestic enquiry and order was passed on 05.06.2015 on the point of fairness of domestic enquiry and it was found and held that enquiry was conducted fairly and properly. Thereafter, evidence was produced. Now the point for determination is about the quantum of punishment.

5. It appears that as a management witness M.W-1 Sri Rakesh Kumar Sinha was examined. He has supported the case of the management that departmental enquiry of Sri Yogendra Meshtar was conducted on 27.12.2012 and enquiry was concluded on 25.02.2013. He had witnesses the documents from the management.

In cross-examination he has stated that he has seen appointment letter of the workman marked as Ext.-W. Name of Yogendra Meshtar was received from the employment exchange and thereafter interview was conducted and he was selected and appointment letter was issued. He has also stated that initially educational qualification for part-time sweeper was class VIIth to class IX and it has not mentioned that candidate having above qualification will be not able to apply.

10. On behalf of the workman W.W-1 Vidyut Kumar Pal was examined. Who has stated that at the time appointment, Yogendra Meshtar has not submitted correctly his educational qualification and management had issued letter to submit declaration of correct educational qualification.

In cross-examination he has stated that show cause notice was issued from management to Yogendra Meshtar. Then witness came to know that prior to joining Yogendra Meshtar passed 10th examination and in declaration he has mentioned VIIth pass. Workman in his cross-examination has stated that at the time of filing the application he learnt that for that post education qualification should be VIIth pass and not matric pass. Why workman stated the one officer has stated to fill up qualification of 7th pass and he did so.

11. Heard argument both on behalf of the management and workman and perused the record.

In view of 2014-IV-LLJ-257(SC) similar matter was raised in which in Appointment- Fixation of qualification was discussed and Punishment of Removal- Validity for removal from service was also considered. It was found that qualification fixed for the post of peon that candidates should not possess higher qualification than IX standard but peon concealing his Bachelor's degree, got selected as peon later found to be guilty of misconduct of suppression of material facts. After enquiry, he was removed from service for misconduct. Hon'ble High Court held that candidate should not possess higher qualification than IX standard is violative of Article 14 of Constitution. Also held that similarly situated employee inflicted with penalty of stoppage of increments for two years with cumulative effect, as punishment awarded to Respondent was discriminatory.

Next decision is also of Hon'ble Supreme Court in Mohd. Riazul Usman Gani and Ors Vs District and Session Judge. In that case candidates with higher education than standard VII were completely shut out for being considered for the posts of peon. Further it has been held that higher qualification can not become disadvantage to the candidates.

Argument has been advanced on behalf of the management bank. A decision of Hon'ble High Court Patna in CWJC No.- 4031 of 2015 (Seema Kumari Vs Allahabad Bank and others) has been demonstrated that in the similar matter no relief was granted to the petitioner and it was found that appointment was ab initio void and the petitioner stands removed from service forthwith and if respondent no.-3 wants equity to be done to him by not subjecting to him criminal prosecution for obtaining appointment by playing a fraud, he has to also do the equity..... if he has become liable for criminal prosecution, this court, to grant him limited reprieve to the extent that if he would refund the payment of entire salary already drawn by him pursuant to his appointment obtained by playing a fraud, he shall not be subjected to criminal prosecution.

In this case appointment of respondent no.-3 namely Binod Kumar Pandit was questioned on the ground that he was not holding the valid qualification for his appointment. Matter was heard at length. Records from Bihar School Examination Board were produced and it was found that respondent no.-3 was not qualified in the terms of advertisement, in as much as he had passed class X examination, whereas the requirement in the advertisement was that a candidate should not have passed class X examination.

Admittedly this of workmen Yogendra Meshtar is similar to the case decided by Hon'ble High Court in CWJC No.- 4031 of 2015. But since the Hon'ble Supreme Court has adopted lenient view in his decision as disclosed above.

FINDINGS

12. From the evidence of the M.W-1 it appears that enquiry was conducted on 27.12.2012 and was concluded on 25.02.2013. Enquiry report was submitted on 06.04.2013. Charge framed against Yogendra Meshtar from serial no.- 1 to 2 was proved. Admittedly workman has given wrong information regarding educational qualification as 7th pass in standard proforma of the bank and it was established that the CE had degree of 10th pass at the time of appointment in 2005. This facts can not been denied.

From the evidence of W.W-1 Yogendra Meshtar it appears that he has two registration card of employment exchange one of 7th pass and second is matric pass. He has also stated that prior to interview one officer had advised to mentioned his educational qualification as 7th pass. It means Yogendra Meshtar has concealed the truth that he was matric pass and remained in service for 9th years.

Though management has demonstrated that charge sheet and departmental enquiry was fair and proper but in the light of decision of Hon'ble Supreme Court reported in 2014-IV-LLJ-257 (SC) in same case penalty was inflicted on the employee of stoppage of increment. In the decision of Hon'ble Supreme Court of India in Md.Riazul Usman Gani and Ors Vs District and Session Judge it has been held that higher qualification can not became disadvantage to the candidates. Keeping in view of this decision the award is answered that action of the management of Allahabad bank in removing the workman Sri Yogendra Meshtar, Part-time sweeper from the services of the Bank was not legal and justified.

In the light of above finding award is passed that order of removal from service to Sri Yogendra Meshtar is set-aside and it is directed to reinstate him in service but his four (4) increment is stopped with cumulative effect and in the facts and circumstances of the case there will be no order of payment of back wages.

This is my award accordingly.

Dictated & Corrected by me.

BIPIN DUTTA PATHAK, Presiding Officer

नई दिल्ली, 28 सितम्बर, 2016

का.आ. 2064.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में ओद्योगिक अधिकरण, पटना के पंचाट [संदर्भ केस सं. 05 (C) ऑफ 2011] को प्रकाशित करती है जो केन्द्रीय सरकार को 28.09.2016 को प्राप्त हुआ था।

[सं. एल-12012/06/2011-आईआर (वी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 28th September, 2016

S.O. 2064.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. Case No. 05 (C) of 2011] of the Industrial Tribunal, Patna as shown in the Annexure in the Industrial Dispute between the management of UCO Bank and their workmen, received by the Central Government on 28.09.2016.

[No. L-12012/06/2011-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

Reference Case No. 05 (C) of 2011

Between the management of Uco Bank, Zonal Office, Central Jail Road, Jabaripur, Bhagalpur (Bihar) and their workmen Sri N.N.Choudhary, S/o. Sh. Basudeo Choudhary, C/o. Pawan Kumar Jain, Hindustan Club Road, Mohalla & PO: Naya Bazar, P.S- Korwali, Dist.- Bhagalpur (Bihar).

For the management : Sri Vinit Kumar, Senior Manager, HRM, Deptt. Zonal Office, Bhagalpur.

For the workman : himself represent

Present : Bipin Dutta Pathak, Presiding Officer, Industrial Tribunal, Patna.

AWARD

Patna, dated 19th July, 2016

By the adjudication order no.- L-12012/-06/2011-IR (B-II) dated- 11.03.2011 the Govt. of India, Ministry of Labour, New Delhi has referred under clause (d) of sub-section-(1) and sub-section (2A) of section-10 of the Industrial Dispute Act,1947, (hereinafter to be referred to as ‘ the Act’), the following dispute between the management of **Uco Bank, Zonal Office, Central Jail Road, Jabaripur, Bhagalpur (Bihar) and their workmen Sri N.N.Choudhary, S/o. Sh. Basudeo Choudhary, C/o. Pawan Kumar Jain, Hindustan Club Road, Mohalla & PO: Naya Bazar, P.S- Korwali, Dist.- Bhagalpur (Bihar)** for adjudication to this tribunal:-

“Whether the action of the management of UCO bank in imposing the punishment of dismissal from service vide order dated-26/09/1997 and 27/09/1997 is legal and proper? What relief the concerned workman is entitled to?

2. Though the matter of punishment is for period of 26.09.1997 and 27.09.1997 but the matter has been referred vide notification dated- 11.03.2011. Name of the workman was not mentioned. Vide notification dated-13.05.2011 corrigendum was issued the word “ workmen” may be read as “ workman” in the 3rd line of the para 1 of the order and the words “upon the workman Sh. N.N. Choudhary may be treated as inserted after the date 27.09.1997.

3. Statement of claim in details filed on behalf of the workman with a prayer pass an award in favour of the workman granting relief as prayed for by the workman which is to hold and declare that order of punishment of dismissal from service passed and imposed upon the workman by the Regional Manager of UCO Bank, now zonal manager Regional/Zonal Office, Bhagalpur dated- 26.09.1997 and passed by the Regional Manager of UCO Bank now zonal manager are incompetent, unjustified, improper, unlawful etc.

Matter in details has been explained by the management in its preliminary objection by way of written statement filed by the management bank on 10.11.2011 stating therein that the dispute is not maintainable and workman has not availed the liberty given by Hon'ble High Court in C.W.J.C No.- 1800 of 1999. The writ petition 1800 of 1999 was heard in details and petitioner sought permission to withdraw the writ petition to enable him to raise Industrial Dispute before the appropriate authority and liberty was granted to raise dispute within six weeks but workman raised dispute after a laps a 3 months 13 days. It has been mentioned that domestic enquiry was started against the workman in the year 1974 and in the pendency of enquiry he has filed title suit no.- 46/79 on 12.04.1979 and succeed to got injunction and in the result domestic enquiry was held up and after a laps of 18 years the injunction order was vacated by the Hon'ble High Court by order passed in Criminal Revision No.- 1997/1994 on 12.09.1997 and thereafter the enquiry was concluded on 26.09.1997/27.09.1997. Workman preferred appeal before the Appellate Authority which was dismissed on 31.03.2008. Workman filed writ petition no.- 1800 of 1999 which was withdrawn on 09.01.2009. Other facts and circumstances has been stated that workman brought misleading facts in his case.

4. It appears from the order dated- 09.01.1999 passed in C.W.J.C No.- 1800 of 1999 that after some arguments, learned counsel appearing on behalf of the petitioner sought permission to withdraw the petition to enable to raise the Industrial disputes before the appropriate authority and writ petition was dismissed as withdrawn.

5. Matter remained pending before this tribunal and this tribunal had first to decide the question about the fairness of domestic enquiry. Though management have taken much time for filing the documents but that was not filed so vide order dated- 19.05.2014 order was passed “ in the circumstances necessary order will be passed on the materials available on record of this reference case pending in this tribunal and 16.06.2014 details order was passed and it was hold that in the absence of enquiry proceeding which was to be filed on behalf of the management. Nothing could be said about the fairness of the domestic enquiry and it was hold in the circumstances it could not be stated that enquiry was proper and fair. It is pertinent to note that earlier enquiry report was set-aside by the then appellate authority in with direction to examine defense witness Sri M.P. Pandey before the enquiry officer which was not done. Even after passing this order nothing has been done by the management to proved and established the charges as leveled against the workman in the enquiry. Even no witness has been examined on behalf of the management. In the circumstances can be said that when the management failed to established that domestic enquiry was fair and proper so award is here by passed that action of the management of UCO bank in imposing the punishment of dismissal from service vide order dated-26/09/1997 and 27/09/1997 was not legal and proper. Workman is entitled to be reinstated on the post from which he was dismissed but so far back wages is concerned much delay has been cost by the workman itself by file title suit delaying the matter why 18 years and so he will be entitled to get 3/4 back wages from the punishment till superannuation. Cost of dispute as Rs. 10,000/-.

This is my award accordingly.

Dictated & Corrected by me.

BIPIN DUTTA PATHAK, Presiding Officer